

JANEL ALLEN
UNITED STATES vs STATE OF GEORGIA

January 09, 2023

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
United States of America, No.
Plaintiff, 1:16-CV-03088-ELR
vs.
State of Georgia,
Defendant.
~~~~~

VIDEOTAPED VIDEOCONFERENCE ZOOM DEPOSITION OF  
JANEL ALLEN  
January 9, 2023  
8:58 a.m.  
Conyers, Georgia

Marcella Daughtry, RPR, RMR  
Georgia License No. 6595-1471-3597-5424  
California CSR No. 14315

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\*\*\* ALL PARTIES APPEARED REMOTELY \*\*\*

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1 THE VIDEOGRAPHER: We are now on the record.  
2 Today is Monday, January 9th, 2023, and the time is  
3 8:58 a.m. Eastern Time. This begins the videoconference  
4 deposition of Janel Allen taken in the matter of United  
5 States of America versus State of Georgia, Case Number  
6 1:16-cv-03088-ELR, pending in U.S. District Court for the  
7 Northern District of Georgia, Atlanta Division.

8 My name is Patrick Murphy. I am the remote  
9 videographer today, and our court reporter is Marcie  
10 Daughtry. We are both representing Esquire Deposition  
11 Solutions.

12 If counsel could please introduce themselves  
13 for the record starting with the taking attorney, and  
14 then our court reporter will swear in the witness.

15 MR. HOLKINS: This is Patrick Holkins for the  
16 United States.

17 MR. KIM: This is Andrew Kim with DeKalb County  
18 Community Service Board.

19 MS. JOHNSON: And Melanie Johnson for the State  
20 of Georgia.

21 MR. PUTNAM: I am Robert Putnam for the  
22 Department of Justice.

23 >>>

24 >>>

25 >>>

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1 JANEL ALLEN,  
2 called as a witness herein, having been first duly sworn  
3 by the shorthand reporter to speak the truth and nothing  
4 but the truth, was examined and testified as follows:  
5

6 MR. HOLKINS: Thank you very much, Patrick and  
7 Marcie.  
8

9 EXAMINATION

10 BY MR. HOLKINS:

11 Q Good morning, Ms. Allen.

12 A Good morning.

13 Q Before we dive into questions, I want to run  
14 through some instructions. As you know, this is your  
15 deposition occurring via Zoom. It's not in person, which  
16 is unusual. I want to make sure that we are all on the  
17 same page about how this is going to go.

18 As you, I'm sure, can tell, the deposition is  
19 being recorded both in text and in video. To assist the  
20 court reporter and videographer, I would ask that you  
21 allow me to finish questions before you start your  
22 answers.

23 Is that okay?

24 A Yes.

25 Q Also, for clarity of the record, I would

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1 suggest that you and ask that you avoid saying "uh-huh"  
2 or "huh-uh" or shaking your head or nodding your head.  
3 Instead, reply with words and verbal answers.

4 Is that okay?

5 A Yes.

6 Q Do you have any documents in front of you,  
7 Ms. Allen?

8 A I don't.

9 Q Okay.

10 A I do not.

11 Q Okay. Do you have access to your e-mail right  
12 now on the account that you are using for the Zoom?

13 A I do.

14 Q Is your e-mail up?

15 A It is not.

16 Q Okay. Is there anyone in the room with you  
17 right now?

18 A No. I am here alone.

19 Q Okay. Is there any reason why you would not be  
20 able to answer my questions truthfully today?

21 A No, there is not.

22 Q I would like to just run through some  
23 abbreviations that I may use in the deposition, again,  
24 just to make sure that we're on the same page. If I  
25 refer to "DBHDD," will you understand that to mean the



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1 Georgia Department of Behavioral Health and Developmental  
2 Disabilities?

3 A Yes.

4 Q If I refer to the "Georgia Department of  
5 Community Health" -- or excuse me, if I refer to "DCH,"  
6 will you understand that to mean the Georgia Department  
7 of Community Health?

8 A Yes.

9 Q And if I refer to "G-a-D-O-E" or "GaDOE," would  
10 you understand that to mean the Georgia Department of  
11 Education?

12 A Yes.

13 Q And "CSB" means community service board,  
14 correct?

15 A Yes.

16 Q If I refer to "GNETS," will you understand that  
17 to mean the Georgia Network for Educational and  
18 Therapeutic Supports?

19 A Yes.

20 Q So I think we may be ready for our first  
21 document, which is going to be Exhibit 796.

22 MR. HOLKINS: So just one more thing before we  
23 dive in. Marcie, if I start going too fast at any point,  
24 you can raise your hand or just jump in. Just let me  
25 know.

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1 THE REPORTER: Thank you, Patrick.

2 MR. HOLKINS: Absolutely.

3 Q BY MR. HOLKINS: So I'm going to pull up a  
4 document right now. Just give me one second.

5 (Plaintiff's Exhibit 796 was marked for  
6 identification.)

7 Q BY MR. HOLKINS: So I'm introducing Exhibit  
8 796. I will give you remote control of the document,  
9 Ms. Allen. Please take a moment to review it. You don't  
10 need to review it line by line.

11 The question I'm going to ask you is whether  
12 you have seen this document before, and you should now  
13 have control.

14 A Okay.

15 Q I'm going to take the document back. Give me  
16 one second. I am scrolling to the top of the document.

17 Ms. Allen, have you seen this before?

18 A I have not seen this particular document, no.

19 Q Have not. Okay.

20 And do you understand that this is a subpoena  
21 ordering you to testify at a deposition in this matter?

22 A Yes.

23 Q And you are testifying in your personal  
24 capacity as director of child and adolescent services in  
25 the DeKalb Community Service Board. Is that correct?

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1 A Yes.

2 Q And that's the title you still hold?

3 A Yes.

4 Q Ms. Allen, do you understand that DeKalb  
5 Community Service Board is not a party in this  
6 litigation?

7 A Yes.

8 Q All right. I'm going to set this aside.  
9 Again, it was 796.

10 So Ms. Allen, I'd like to ask you some  
11 questions about your background and employment history.  
12 First let me just ask, how long have you been an employee  
13 of the DeKalb Community Service Board?

14 A I have been an employee for six years.

15 Q And have you been the director of child and  
16 adolescent services for all six of those years?

17 A No, I have been the director for four years.

18 Q Okay. And what position did you hold prior?

19 A I'm sorry, can you repeat that?

20 Q Sure. What -- what position did you hold prior  
21 to your current one at DeKalb Community Service Board?

22 A I held two different positions prior to that.  
23 I started off as a child and adolescent case manager, and  
24 then I transitioned to child and adolescent program  
25 manager.

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1 Q And can you describe the difference between the  
2 work of a case manager and a program manager at the  
3 DeKalb Community Service Board?

4 A Yes. As a case manager, I was a  
5 community-based worker, so I went out to schools and  
6 homes or other community settings to meet with children,  
7 adolescents, and their families, and provided resource  
8 connection, skill building.

9 In the program manager role, I was not in a  
10 community setting. I was office-based, and I had two  
11 direct reports, peer specialists at that point.

12 Q When you were a case manager, did you provide  
13 direct services to children in a school setting?

14 A Yes, I did.

15 Q Was that through the Apex program?

16 A I had some Apex clients, but I did not provide  
17 those services in the school settings. I went to their  
18 homes.

19 Q Okay. What services were you providing in  
20 school settings as a case manager?

21 A I did school -- skill building, so that  
22 entails, you know, anger management skill building,  
23 anything related to what they were in services for. I  
24 essentially supported the work done in therapy in the  
25 schools. And then also if they had IEP meetings, I was

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1 there to kind of consult with the education staff and  
2 provide them with resources as well.

3 Q What Apex services were you providing in the  
4 home setting when you were a case manager?

5 A In the home, I was, again, still doing skill  
6 building but more so focused not just on with the child,  
7 but with the parent as well, so assisting the parent with  
8 things like behavior modification skill building  
9 interventions.

10 Q Uh-huh. And when you were program manager,  
11 before you became director of -- of child and adolescent  
12 services at DeKalb Community Service Board, did you have  
13 responsibility with respect to the Apex Program?

14 A As a program manager, no, I did not have any  
15 responsibility over the Apex Program.

16 Q Okay. Did you have any role in implementing  
17 school-based services in that capacity as program  
18 manager?

19 A No, I did not.

20 Q Okay. So you -- if I understand correctly, as  
21 case manager you were providing services in a school  
22 setting outside of the Apex Program; is that correct?

23 A That's correct, yes.

24 Q Were you -- was -- was there a formal program  
25 that this was implemented through?

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1 A That was through our outpatient services.

2 Q Okay. So is it fair to say that DeKalb  
3 Community Service Board offers school-based services  
4 through its general outpatient program separate and apart  
5 from the Apex Program?

6 A Yes, that's -- that is correct. That is a -- a  
7 service that we offer through our outpatient services.  
8 It's not school-based. It's outpatient services, and the  
9 location at times can be at the school, as well as other  
10 community settings.

11 Q Understood.

12 So among the available settings for your  
13 general outpatient services are schools?

14 A Yes. One of them are -- can be.

15 Q Okay.

16 A Yes.

17 Q And before we talk about your current role,  
18 could you describe for us your educational background  
19 after high school?

20 A Yes. Do you also need the -- just to clarify,  
21 do you need the school -- the school location?

22 Q If you could -- yeah, if you could provide the  
23 degree that you attained, the school you attained a  
24 degree from, and the year, that would be sufficient.

25 A Okay. Great.

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1 Just starting with my bachelor's degree, I have  
2 a bachelor's degree in psychology that I obtained in 2012  
3 from the University of Georgia, a bachelor's degree in  
4 sociology, also from the University of Georgia in 2012.  
5 And I have a master's of science from the Mercer  
6 University that I attained in 20 -- 2015.

7 Q Okay. That was a master's in what, I'm sorry?

8 A Master's of science in clinical --

9 Q Master's?

10 A Yes, in clinical rehabilitation counseling.

11 Q And that was in which year, I'm sorry?

12 A 2015.

13 Q Okay. Do you have a current clinical  
14 licensure?

15 A Yes, I do.

16 Q And what is that licensure?

17 A I am a licensed professional counselor.

18 Q Do you hold any other licenses?

19 A I don't have any other licenses. I have a  
20 certification as a certified rehabilitation counselor.

21 Q Could you describe what that certification  
22 process was to become a certification -- a certified  
23 rehabilitation counselor?

24 A Yes. So I -- it's a separate program from the  
25 clinical mental health counseling program. Some of

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1 the -- the courses are the same except it has a focus on  
2 disability. So I went through that program. It's a  
3 60-hour program. And then in addition to the test that I  
4 had to take to obtain my LPC, which is my licensed  
5 professional counselor, I had to take another exam, the  
6 certified rehabilitation counselor exam, to attain that  
7 certification.

8 Q When did you attain that certification?

9 A In 2018.

10 Q And it's current?

11 A Yes, it is.

12 Q So one thing I -- I forgot to mention on the  
13 front end is that we will be taking breaks regularly. I  
14 guess maybe at least every 90 minutes, if not more  
15 frequently. Ms. Allen, if you need a break at any point,  
16 just let me know. The only thing I would ask, if there  
17 is a question pending, you first answer the question  
18 before we take that break.

19 MR. HOLKINS: The same goes for the counsel or  
20 court reporter or videographer. If anyone needs a break  
21 at any point, just let me know.

22 THE WITNESS: Yes, I understand.

23 Q BY MR. HOLKINS: So let's talk about your  
24 current role, which you've been in for four years,  
25 correct?



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1 A Yes.

2 Q And that's as child and adolescent services  
3 director at the DeKalb Community Service Board?

4 A Yes.

5 Q What are your duties in that role?

6 A As the child and adolescent director, I am  
7 responsible essentially for the operations and any  
8 clinical oversight over child, adolescent and young adult  
9 services. So young adult services actually extends to  
10 age 26, so that's in -- in our outpatient programs.

11 I also have oversight over the Apex Program,  
12 which is our school-based program, and over our child and  
13 adolescent community support team, which are the case  
14 managers, and also the peer -- parent peer specialist.

15 Q Do you supervise staff in your role?

16 A Yes, I do.

17 Q So I want to kind of go program by program.  
18 For the Apex Program, how many staff it usually provides,  
19 approximately?

20 A Currently I have five staff. It can be up to  
21 seven.

22 Q Is it fair to say that there are two vacancies  
23 in the Apex Program in DeKalb Community Service Board  
24 currently?

25 A Currently, yes.

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1 Q And what are those vacancies, the positions?

2 A They are therapist positions.

3 Q And then for the child and support program, the  
4 case managers, how many staff do you supervise?

5 A We have four case managers.

6 Q And these are all child and adolescent-specific  
7 case managers, or are they also seeing adults?

8 A No. They only see children and adolescents.

9 Q Okay. And who do you report to in your current  
10 role?

11 A I report to the chief clinical officer.

12 Q Who is that?

13 A Renee Dryfoos.

14 Q In your current role, do you coordinate on a  
15 regular basis with any staff at the Georgia Department of  
16 Behavioral Health and Developmental Disabilities?

17 A Yes, I do.

18 Q With whom do you coordinate at DBHDD?

19 A I speak with Layla Fitzgerald and Danielle  
20 Jones.

21 Q Is that -- in your coordination with Mrs. --  
22 Ms. Fitzgerald and Ms. Jones, is that with respect to the  
23 Apex Program?

24 A Yes, it is.

25 Q Do you coordinate at all with Danté McKay at

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1 DBHDD?

2 A I have been in meetings with him but not -- I  
3 don't direct -- usually do not directly coordinate with  
4 Danté.

5 Q Do you coordinate with Monica Johnson at --  
6 formerly at DBHDD?

7 A No, I don't.

8 Q Do you coordinate directly with any staff at  
9 the Georgia Department of Community Health or DCH?

10 A I have been in meetings with -- they  
11 don't -- they don't work -- I don't believe they work  
12 directly with the Department of Community Health. I  
13 coordinate with some of the community representatives for  
14 some of the insurance providers but not -- I don't  
15 believe they work directly for DCH.

16 Q Understood. Are you referring to the care  
17 management organizations?

18 A Yes, I am.

19 Q Okay. Could you just provide a little bit more  
20 detail about those meetings? In what context are you  
21 meeting with community representatives at the care  
22 management organizations?

23 A They are just general community meetings  
24 related to child and adolescent services in DeKalb  
25 County, so we just kind of get together and discuss gaps

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1 in -- you know, in the community for children and  
2 adolescents, and the representatives from some of the  
3 care managed entities come because they often do  
4 community health fairs and things of that nature.

5 Q Who else participates in those meetings?

6 A It's other child-serving agencies, some school  
7 district representatives, DFCS, Department of Juvenile  
8 Justice, anyone who -- community stakeholders,  
9 essentially.

10 Q What is DFCS? Can you just define that acronym  
11 for the record?

12 A Department of Family and Children Services.

13 Q And that's a State agency, correct?

14 A Yeah. Yes.

15 Q Does DBHDD participate in those meetings that  
16 you just described?

17 A Yes.

18 Q Who represents DBHDD in those meetings?

19 A Olga Pittman.

20 Q Pittman?

21 A Pittman.

22 Q And do you know whether there are  
23 representatives at DCH in those meetings?

24 A No, there is not.

25 Q What about the Georgia Department of Education?

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1 Is that agency represented in these meetings?

2 A No.

3 Q And is there a -- a name or a title for these  
4 meetings? How -- how are they termed?

5 A It's the DeKalb Child and Adolescent Coalition  
6 meeting.

7 Q Okay. How frequently do these coalition  
8 meetings go?

9 A Bimonthly.

10 Q And have they been going on as long as you have  
11 been the child and adolescent director?

12 A Yes.

13 Q Is this unique to DeKalb County, or is it your  
14 understanding that similar meetings are happening for  
15 Georgia's other counties?

16 A I'm unsure for other counties.

17 Q So you have not heard of a similar meeting  
18 happening for any other county in Georgia?

19 A I'm -- I'm unaware of what happens in other  
20 counties.

21 Q So you mentioned that there -- one topic of  
22 discussion during these coalition meetings is gaps in  
23 child and adolescent community services; is that  
24 accurate?

25 A Yes.

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1 Q How recently has this coalition discussed gaps  
2 in child and adolescent community services in DeKalb  
3 County?

4 A We had a meeting last month.

5 Q And that was the topic of discussion at that  
6 meeting?

7 A Yes. That's the general topic of the meetings.

8 Q Of the meetings. Understood.

9 And what specific gaps in child and adolescent  
10 services in DeKalb County had been identified for these  
11 coalition meetings?

12 A Access to after-school programming, summer  
13 programming, programming for older teens, connecting them  
14 to jobs. Those are generally the things that we look at.  
15 Essentially resources for -- for them in the community,  
16 access to resources.

17 Q Has expanding the Apex Program or school-based  
18 behavioral services broadly been the topic of discussion  
19 at these coalition meetings?

20 A No, it has not.

21 Q And has the coalition identified any specific  
22 service gaps, which is to say specific services that are  
23 not available sufficiently in DeKalb County, other than  
24 what you identified?

25 A Generally, those are the main things we focus

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1 on, are just resources. So a lot of it just has to do  
2 with access to programming, cost. That's the biggest  
3 barrier, so those are the things that we focus on.

4 Q And when you say cost is the biggest barrier,  
5 do you mean reimbursement through Medicaid? What are you  
6 talking about?

7 A Cost to attend like summer camps.

8 Q Okay.

9 A And after-school programs --

10 Q Uh-huh.

11 A -- for example.

12 Q Does the coalition make any recommendations or  
13 proposals as a result of these meetings?

14 A Identifying other community agencies that could  
15 be of help to assist the families, that could help  
16 address some of the gaps. So, you know, for example,  
17 that's when the -- the care managed entities joined so we  
18 could get a sense to see if, you know, some of their  
19 programs could support, you know, summer camp or after  
20 school. So it's identifying other community partners to  
21 bring on board to help with -- identify those gaps or be  
22 a resource for those gaps.

23 Q And has the Georgia Department of Education  
24 ever been identified as a key community partner that  
25 should be participating in these discussions?

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1 A Not the State agency, no. We have the local  
2 school district that joins the meetings.

3 Q Okay. But -- but no -- no one from Georgia  
4 Department of Education, correct?

5 A No.

6 Q Do representatives of GNETS programs  
7 participate in these coalition meetings?

8 A No, they don't.

9 Q And have GNETS program directors ever been  
10 identified in the coalition meetings as key community  
11 partners who should be participating?

12 A No, they have not.

13 Q So I know that your role as child and  
14 adolescent services director is broadly oversight over  
15 the programs that you described, and I want to go program  
16 by program starting with Apex and just get a -- a more  
17 detailed sense of what that oversight responsibility  
18 looks like. And so for Apex, what are your day-to-day  
19 responsibilities in overseeing that program?

20 A That is being available to the therapists who  
21 work in the school building for any clinical  
22 consultation, so if they have any questions about cases.  
23 It is communicating directly with the school system, if  
24 there are any programmatic concerns or operational  
25 concerns within the school building.



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1 I also -- that is also doing reports on a  
2 monthly basis and just -- just providing support to my  
3 staff with anything that they need, so clinical --  
4 clinically and operationally as well.

5 Q What kind of -- of programmatic or operational  
6 concerns would be raised for -- for you to deal with in  
7 your -- your capacity of overseeing the Apex Program?

8 A If there are any programs that we are trying to  
9 implement that are within the guidelines of the contract  
10 and the grant deliverables, we do need to consult with  
11 the school, make arrangements to make sure those things  
12 are seen through, make sure that the school understands  
13 the things that -- the deliverables that we have to meet  
14 for the program.

15 And then operationally, just if there are any,  
16 you know, IT issues, sometimes the school can assist us  
17 with those things as well. So that's -- mostly the  
18 operation side is usually room, location. Sometimes  
19 there may be different unexpected things that go on in  
20 the school that we need assistance with.

21 Q Are you -- do you coordinate directly with  
22 school administrators as part of your oversight  
23 responsibilities for Apex?

24 A Yes.

25 Q And can you now tell me a little bit about the

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1 kind of day-to day responsibilities you have with respect  
2 to overseeing the case managers providing child and  
3 adolescent services at DeKalb?

4 A So I'm the director of the program, but I have  
5 a program manager that actually has day-to-day oversight  
6 directly over the case managers. But my role in that is  
7 overseeing her and making sure that she understands the  
8 policies, procedures, understand the supervision needs of  
9 that program and how it operates.

10 Q Would you say that you -- your current role had  
11 responsibility for strategic development of the Apex  
12 Program at DeKalb Community Service Board?

13 A Yes.

14 Q You mentioned one of your duties in overseeing  
15 the Apex Program is providing monthly reporting. Is that  
16 accurate?

17 A Yes.

18 Q And is that reporting to DBHDD?

19 A Yes, it is. But it actually goes, I think,  
20 directly first to the Center of Excellence.

21 Q Right. That's at the Georgia State University,  
22 correct?

23 A Yes.

24 Q And you're submitting monthly progress reports  
25 and monthly programmatic reports in connection with the

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1 Apex Program; is that accurate?

2 A Yes.

3 Q Do you provide any other monthly reporting to  
4 the GSU's Center of Excellence or to DBHDD directly in  
5 connection with the Apex Program?

6 A No.

7 Q Do you meet regularly with -- let me just start  
8 it this way.

9 Do you ever meet with staff at the Georgia  
10 State University Center of Excellence with respect to the  
11 Apex Program?

12 A We have, yes, met. Yes.

13 Q Is that a regular meeting?

14 A Can you define regular?

15 Q Are you meeting on a monthly basis with staff  
16 at the Georgia State University Center of Excellence with  
17 respect to the Apex Program?

18 A No, not monthly.

19 Q And when you have met -- well, when was the  
20 last time you met with staff at the Center of Excellence  
21 with respect to Apex?

22 A I can't recall the actual month.

23 Q Was -- was it in the last year?

24 A Yes.

25 Q Okay. And what was that meeting about?

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1 A I can't recall. I'm sorry.

2 Q You referenced providing monthly progress  
3 reports and programmatic reports to the Center of  
4 Excellence in connection with the Apex Program, correct?

5 A Yes.

6 Q Do you ever meet with the Center of Excellence  
7 staff concerning the reporting that you provide?

8 A No.

9 Q Do you ever meet with DBHDD concerning the  
10 reporting that you provide to the Center of Excellence  
11 about DeKalb County's -- DeKalb -- DeKalb Community  
12 Service Board's Apex Program?

13 A No.

14 Q Do you have any understanding of what happens  
15 with the data that you provide with respect to the Apex  
16 Program to Center of Excellence?

17 A Yes. From what I understand, it's compiled and  
18 put into an annual report to show statewide the numbers  
19 for all the Apex programs.

20 Q Has DBHDD ever made recommendations for changes  
21 to DeKalb's Apex Program in response to the data that was  
22 reported?

23 A Yes.

24 Q What are the specific changes?

25 A That the schools, it's increased their

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1 referrals to the program.

2 Q And was that based on review of the monthly  
3 progress reporting data, to the best of your  
4 understanding?

5 A Yes.

6 Q And after that recommendation was made by  
7 DBHDD, did you see an increase in referrals by schools to  
8 your area?

9 A Yes, we did. Yes, uh-huh.

10 Q We're gonna talk in more detail about Apex, and  
11 I'm going to show you some documents as well. I think we  
12 may be ready to jump into that now, actually, but let me  
13 just do a little bit more orientation.

14 Can you describe the catchment area served by  
15 DeKalb Community Service Board?

16 A DeKalb County, Georgia.

17 Q It's just -- just DeKalb County?

18 A Yes.

19 Q Okay. Are you aware of whether there are GNETS  
20 facilities located in DeKalb County?

21 A Yes, I am.

22 Q Are you able to identify the GNETS programs or  
23 facilities located in DeKalb County?

24 A One school, yes.

25 Q What is that school?

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1 A Eagle Woods Academy.

2 Q Are there any other GNETS schools or programs  
3 based in DeKalb County to your knowledge?

4 A Not that I am aware of.

5 Q Have you ever visited Eagle Woods Academy?

6 A I have not.

7 Q Have you ever visited any GNETS program or  
8 facility?

9 A I have not.

10 Q All right. Give me a second, and I'm going to  
11 start showing some more documents.

12 A Okay.

13 Q We are up to 797.

14 (Plaintiff's Exhibit 797 was marked for  
15 identification.)

16 Q BY MR. HOLKINS: Before I share this,  
17 Ms. Allen, are you aware that DeKalb Community Service  
18 Board received a subpoena for documents in connection  
19 with this matter?

20 A Yes.

21 Q Did you have any role in producing DeKalb  
22 Community Service Board's response to that subpoena of  
23 the documents?

24 A Yes. I provided some of the documents.

25 Q So what I'm going to pull up now, which is 797,

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1 is an excerpt from a document that was produced by DeKalb  
2 Community Service Board in response to the United States'  
3 subpoena for documents. This is just three pages from a  
4 fairly lengthy document.

5 I want to give you control, but let me first  
6 just identify what this is. For the record, this is  
7 DEKALB0005045.

8 Ms. Allen, you should have control of the  
9 document if you want to scroll through. Just let me know  
10 when you are done.

11 A Okay.

12 Q I'm going to take control back and scroll to  
13 the top of the document.

14 Ms. Allen, my understanding of -- of this  
15 document, at least the first page here, is that it  
16 identifies the schools that are participating in the Apex  
17 Program through DeKalb Community Service Board; is that  
18 accurate?

19 A That is correct.

20 Q And is this list current as of today's date?

21 A Yes, it is.

22 Q Scrolling down to page 2 and 3, I see a list of  
23 individuals identified on both pages. Is it accurate to  
24 say that this is the list of individuals who work on the  
25 Apex Program at DeKalb Community Service Board?

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1 A Yes. During that time period that was  
2 requested, yes.

3 Q During the relevant time period for the  
4 response to the subpoena?

5 A Yes.

6 Q Okay. So some of these individuals no longer  
7 work at DeKalb Community Service Board; is that correct?

8 A That is correct.

9 Q Okay. I think you said at present there are  
10 five individuals who are working on -- under you on the  
11 Apex Program at the DeKalb Community Service Board?

12 A Yes.

13 Q Okay. I'm going to scroll back up to the list  
14 of schools. Did you have any role in identifying any of  
15 these schools to participate in the Apex Program?

16 A No, I did not.

17 Q Are you coordinating directly with school  
18 administrators at each of these schools with respect to  
19 the Apex Program?

20 A Yes, I do. More specifically, my therapist has  
21 more direct interaction with the -- the administrators at  
22 each specific school.

23 Q And going back, do you have any understanding  
24 of how these schools were selected to participate in the  
25 Apex Program offered by DeKalb Community Service Board?



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1           A    Yes.  I -- I don't know the exact name of the  
2   model, but the DeKalb schools, I believe, uses the --  
3   what's called the CCRPI scores to identify the -- excuse  
4   me -- the lower performing schools.  And that's how they  
5   were identified.

6           Q    And what -- can you just describe what the  
7   metrics are and the factors that are relevant to that  
8   score?

9           A    It's -- I think it's a college readiness  
10  indication score, I believe.  That's really my knowledge  
11  related to that.

12          Q    That's fine.  Do you know whether the -- the  
13  number or percentage of students with diagnosed  
14  behavioral health conditions factors into the decision of  
15  whether a school should receive Apex services at DeKalb  
16  Community Service Board?

17          A    I do not know.

18          Q    Do you think that's a relevant factor for  
19  deciding which schools should participate in the Apex  
20  Program?

21          A    Not necessarily, because most kids have an  
22  undiagnosed mental health condition.  So that would be,  
23  you know, kind of hard to determine prior to selecting a  
24  school.

25          Q    Do you think that if -- is it relevant -- if a

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1 school is reporting a significant number of behavioral  
2 issues, is that a relevant factor in selecting whether  
3 their school should participate in the Apex Program?

4 A Yes, it would be.

5 Q What about placements in GNETS? Do you view  
6 that as a relevant factor in determining which schools  
7 should be receiving Apex services?

8 A I am unsure because I'm not really -- I don't  
9 have knowledge about placements in GNETS program.

10 Q So do you understand that students in schools  
11 like these can be referred for placement in the GNETS  
12 program? Is that consistent with your understanding?

13 A Yes.

14 Q Have you ever seen any data reflecting the  
15 number of students referred from the schools within  
16 DeKalb County to GNETS programs?

17 A I have not.

18 Q If a school were to send ten or more students  
19 every year to a GNETS program, do you think that would be  
20 relevant to the decision of whether that school should be  
21 participating in Apex?

22 A I'm unsure.

23 Q Why are you not sure?

24 A I mean, there -- there would be other factors  
25 I would have to -- I would look at. Compared to the

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1 entire population of the school, it's -- I wouldn't be  
2 able to affirmly say yes or no.

3 Q But you would agree that the number of  
4 referrals from the school to GNETS could be a relevant  
5 factor in determining whether they would benefit from  
6 Apex services?

7 A Yes.

8 Q Let's set this aside. I'm going to bring up  
9 another document. Give me a second.

10 (Plaintiff's Exhibit 798 was marked for  
11 identification.)

12 Q BY MR. HOLKINS: Ms. Allen, I just posted what  
13 we are going to mark as Exhibit 798. This is also a  
14 document that was produced by DeKalb Community Service  
15 Board in response to the United States' subpoena in this  
16 matter. It's an excerpt of a fairly large document. And  
17 for the record, I will identify this one as DEKALB003588.

18 It's -- it's fairly long itself, and so I don't  
19 want to take too much time. I do want to direct you to  
20 page 5 of the document, which identifies you as the  
21 person submitting this report, with your e-mail address  
22 and the date of the submission, which was April 4th,  
23 2022.

24 My first question to you, Ms. Allen, is,  
25 whether this is an example of a monthly progress report

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1 for the Apex Program?

2 A Yes, it is.

3 Q Okay. And specifically -- give me one second.

4 So this is a -- a monthly progress report in connection  
5 with the Apex Program offered by DeKalb Community Service  
6 Board at E.L. Miller Elementary, correct?

7 A Yes.

8 Q Apex 2.0, what does that mean?

9 A We have two separate lines of funding for the  
10 Apex Program. Some of our schools are in the base  
11 funding, so the first initial funding for this program;  
12 and then there was an expansion of funding that we  
13 applied for and received, and those schools are under  
14 2.0. So we have to track those separately under two  
15 separate lines of funding.

16 Q Is DeKalb Community Service Board currently  
17 receiving funding for its Apex Program through each of  
18 these streams, 1.0, 2.0, and 3.0?

19 A Not through 3.0.

20 Q Okay. So it's just 1.0 and 2.0 currently?

21 A Yes.

22 Q Has DeKalb Community Service Board ever  
23 received funding through Apex 3.0?

24 A No, we have not.

25 Q Has DeKalb Community Service Board applied for

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1 funding through Apex 3.0?

2 A For 3.0, yes, we did.

3 Q And you were denied that funding?

4 A That is correct.

5 Q When did that occur?

6 A I believe that was in 2021.

7 Q Thank you.

8 So I'm going to just scroll through this  
9 document and ask you questions about some things that  
10 come up. So on page 6, just to confirm, these are the  
11 relevant grades for E.L. Miller Elementary, correct,  
12 pre-K through fifth grade?

13 A Yes.

14 Q And on page 7 of this document, you identified  
15 the number of unique students receiving school-based  
16 behavioral health services. And this lists three,  
17 correct?

18 A Yes.

19 Q Are you still providing monthly reporting for  
20 E.L. Miller?

21 A Yes.

22 Q So also on page 7 there is a list of referral  
23 sources, correct?

24 A Yes.

25 Q And this identifies for the relevant month, one

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1 referral by a school counselor, correct?

2 A That is correct.

3 Q In your experience overseeing the Apex Program  
4 in DeKalb Community Service Board, what are the most  
5 common referral sources for Apex services by schools?

6 A The school counselor.

7 Q Have you ever seen a referral by a GNETS  
8 program for Apex services?

9 A No, I have not.

10 Q So in scrolling down to page 8, there's a  
11 prompt to indicate the number of Tier II school-based  
12 mental health services and then a list of those services.

13 Let me first ask you, Ms. Allen, what are Tier  
14 II services?

15 A Tier II services are -- identifies at risk or  
16 screening level services, so that could be attending RTI  
17 meetings, IEP meetings for students who are not -- we are  
18 not currently servicing. They have been identified as  
19 potential referrals. It could also be group services  
20 that we do for students who are not being serviced but  
21 maybe they have a -- a particular identified challenge  
22 that the school would like us to do groups on. And also,  
23 it could be a crisis intervention support as well.

24 So more of the focus are on students that are  
25 not being provided with direct services currently.

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1 Q And just to confirm, this document, page 8,  
2 reflects that there were zero children at E.L. Miller  
3 Elementary that received Tier II services for this  
4 reporting period; is that correct?

5 A That is correct.

6 Q Okay. So I want to scroll down and now talk  
7 about Tier III services, and that's identified here as  
8 individualized interventions for students identified as  
9 living with behavioral health diagnoses. Is that  
10 consistent with your understanding of what Tier III  
11 refers to?

12 A Yes.

13 Q So there's a list of services here, Tier III  
14 services, and it appears that you identified the number  
15 of students that receive each of those services for the  
16 reporting period; is that correct?

17 A That is correct.

18 Q I see that there were two children who received  
19 behavioral health assessments in a school setting during  
20 the reporting period at E.L. Miller, correct?

21 A That is correct.

22 Q What is the behavioral health assessment?

23 A That is an assessment we do at intake, so when  
24 they first enter the program, and we repeat it every six  
25 months after that to look at that progress. So we have

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1 different outcome measures included in that. So it just  
2 gives us a clinical outlook of the clients that we are  
3 serving and their families.

4 Q So if I understand correctly, this is a  
5 requirement for the children who are entering the Apex  
6 Program to receive it; is that accurate?

7 A Yes.

8 Q And what -- and it recurs every six months for  
9 students who remain enrolled in Apex, correct?

10 A That is correct.

11 Q What -- what events would trigger a -- a  
12 reassessment before that six-month period?

13 A If they go into the hospital in an inpatient  
14 setting.

15 Q Anything else?

16 A No.

17 Q And so if a student was referred for a GNETS  
18 placement, that would not trigger a new behavioral health  
19 assessment, correct?

20 A Not -- no, not in that particular circumstance.

21 Q In what circumstance would it trigger a  
22 behavioral health assessment, other than if there was an  
23 admission to a hospital?

24 A No, that's -- that would be it.

25 Q Okay.



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1 A As far as my experience, yes.

2 Q Okay. I'm gonna ask you to describe a few more  
3 of the services here, but first let me ask you, are you  
4 familiar with the term "functional behavioral  
5 assessment"?

6 A Yes, I am.

7 Q And how is that different from a behavioral  
8 health assessment?

9 A The behavioral health assessment is -- it's --  
10 it also includes a psychosocial assessment, so it's also  
11 looking at their clinical history, just kind of overall  
12 functioning mentally, as well as behavior of --  
13 functional behavior. FBA, essentially, is just looking  
14 at particular behaviors related to their emotional  
15 behavior disorder over a period of time.

16 Q Just to confirm, F -- FBA is your functional  
17 behavioral assessments, are not identified here as a  
18 Tier III service, correct?

19 A No. I don't believe so, no.

20 Q And does DeKalb Community Service Board, either  
21 through Apex or through its general outpatient services,  
22 offer functional behavioral assessment?

23 A We do not.

24 Q Do you believe that's a gap in the service menu  
25 at DeKalb Community Service Board for children and

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1 adolescents?

2 A Not currently.

3 Q You don't think there's a need for functional  
4 behavioral assessments at DeKalb Community Service Board?

5 A Not that I have identified, no.

6 Q Can you describe what a diagnostic assessment  
7 is and who would perform that at DeKalb Community Service  
8 Board?

9 A Yes. The diagnostic assessment refers to  
10 the -- our psychiatric evaluation, which would be done by  
11 the psychiatrists or could be done by a nurse  
12 practitioner or CNS.

13 Q I want to go back quickly. What's your  
14 understanding of this -- of what -- let me try again.

15 For functional behavioral assessments, what  
16 staff would provide that service if it were offered, what  
17 discipline?

18 A The therapist could perform that, a licensed  
19 therapist.

20 Q So the -- the same licensure that's required  
21 for the therapists currently working in schools through  
22 DeKalb County, DeKalb Community Service Board's Apex  
23 Program; is that correct?

24 A Yes.

25 Q What is crisis intervention as to -- as you

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1 understand it?

2 A Yes. So that could be a student that is  
3 expressing suicidal thoughts, self harming; could be  
4 having behavioral outbursts, being disruptive. Those are  
5 all considered crisis intervention situations. And also  
6 if immediate, like grief counseling, if there was a  
7 traumatic event that occurred, as well, that would fall  
8 under that, too.

9 Q And would the Apex therapists also be charged  
10 with providing crisis intervention services?

11 A Yes.

12 Q Could you describe what psychiatric treatment  
13 means in this context?

14 A Yes. Those would be ongoing appointments with  
15 the psychiatrist, nurse practitioner or CNS. So  
16 anything --

17 Q Are --

18 A -- after that.

19 Q Sorry, go ahead.

20 A Anything after the initial evaluation.

21 Q Okay. And can those occur in a school setting?

22 A No, they do not.

23 Q So that's only clinic based?

24 A Or telehealth, yes.

25 Q Or telehealth.

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1 And just to make sure I understand, could a  
2 child receive psychiatric treatment in the school setting  
3 via telehealth?

4 A Yes, they could.

5 Q And this psychiatric treatment service would be  
6 provided not by the Apex therapist but by other staff  
7 working for the DeKalb Community Service Board; is that  
8 correct?

9 A Yes.

10 Q Crisis intervention services can be provided in  
11 a school setting, correct?

12 A Yes.

13 Q Could you describe what community support  
14 individual services are in this context?

15 A Yes. That is the services that can either be  
16 provided by the therapist in the school setting,  
17 providing skill building to the student or to the staff  
18 related to behavior interventions. That can -- the  
19 service can also be provided by the case managers in the  
20 homes and other community settings.

21 Q And what's the goal of community support  
22 individual services?

23 A It is to reinforce skills learned in individual  
24 and family therapy outside of the therapeutic setting.

25 Q Thank you.

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1 Individual outpatient services, there's a  
2 parenthetical here. It says, "I.e., therapy session."  
3 Could you describe what's meant by individual outpatient  
4 services in this context?

5 A Yes. That would be the individual therapy  
6 service between the therapist and in this case the  
7 student, which can be done in the school setting or at  
8 times telehealth if their school is not in session.

9 Q So the individual outpatient -- outpatient  
10 service could be provided by a telehealth in a -- in a  
11 child's home. Is that accurate?

12 A Yes.

13 Q And would the Apex therapist embedded in that  
14 particular school, in this case E.L. Miller, be  
15 responsible for providing that service by a telehealth in  
16 the child's home?

17 A Yes.

18 Q Can you describe what medication management  
19 means in this context?

20 A So medication -- medication management is a  
21 step-down service from consistent individual therapy. It  
22 can be provided as little as every three months and where  
23 you are just kind of doing check-ins to make sure they're  
24 keep -- you know, taking their medications as prescribed.  
25 Symptom management, providing skills, we currently do not

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1 typically do that for children. Just monitoring every  
2 three months.

3 Q Let me make sure I understand. The medication  
4 management is -- is not typically a service that's  
5 offered to children and adolescents at DeKalb Community  
6 Service Board. Is that accurate?

7 A Typically, no. Just because of infrequency  
8 of -- of that particular service, we do not see too many  
9 children on medication management.

10 Q Okay. Can you describe what nursing  
11 services/assessment means and how that's different from  
12 diagnostic assessment?

13 A Yes. It's a -- a medical assessment or -- with  
14 the nurse at the clinic, and they just go over their  
15 medical history. Nursing services can also include any  
16 labs that the doctor or medical provider may request, or  
17 administering of medication such as injections.

18 Q Can nursing services be provided in school  
19 settings, or is this a clinic-based service exclusively  
20 at DeKalb Community Service Board?

21 A That is a clinic-based service.

22 Q Could you help me understand how access to  
23 nursing services would be coordinated for a child that's  
24 participating in the Apex Program? What would be the  
25 steps?

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1           A    Yes. They would have their evaluation with the  
2    doctor first, and then based on that evaluation, the --  
3    if the doctor recommends that the child be seen for a  
4    nursing assessment or labs to be drawn, and that's  
5    usually based on the doctor's clinical assessment. So  
6    it -- it would come from the doc -- the doctor or medical  
7    provider.

8           Q    Okay. And just in terms of even getting from,  
9    you know, this school to the clinic, would there be a  
10   referral by the Apex therapist or the school counselor?  
11   How does that work?

12          A    To -- I'm sorry, just to clarify, to see which  
13   provider?

14          Q    To see -- let's start with the -- the doctor  
15   for that initial assessment before the recommendation is  
16   made for nursing assessments.

17          A    Okay. That's actually standard practice.  
18   Everyone is evaluated by the doctor, so that -- that  
19   appointment is scheduled during the intake assessment.

20          Q    Okay. And that's the behavioral health  
21   assessment that we talked about?

22          A    Yes.

23          Q    Okay. So every child that enters the Apex  
24   Program is going to receive a behavioral health  
25   assessment, and then as a matter of course a referral for

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1 a assessment by a doctor or nurse practitioner; is that  
2 correct?

3 A That is correct.

4 Q Okay. And that latter assessment by the doctor  
5 or nurse practitioner would occur in a clinic setting?

6 A Yes, or via telehealth.

7 Q Or via telehealth, okay.

8 Is it fair to say for all telehealth services  
9 that are offered by DeKalb Community Service Board, they  
10 can be provided in a school setting?

11 A Yes.

12 Q What's service plan development mean in this  
13 context?

14 A Yes, that is the treatment plan that outlines  
15 all of the services that would be done over the course of  
16 treatment within the program.

17 Q Who is responsible for service plan development  
18 for children enrolled in the Apex Program at DeKalb  
19 Community Service Board?

20 A The therapist.

21 Q Do you have any oversight responsibilities with  
22 respect to, for example, service plan development by  
23 therapists through DeKalb Community Service Board's Apex  
24 Program?

25 A Yes.



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1 Q What are they?

2 A Making sure that the therapists are  
3 knowledgeable about what services should be on -- on the  
4 treatment plan, and also understanding how to  
5 individualize the service plans and make it tailored to  
6 the students' and the families' needs.

7 Q And why is it important to individualize  
8 service plan development to meet the needs of the child  
9 and family?

10 A Well, it follows a client-centered model. So,  
11 you know, we want the child and the family to be involved  
12 and have a say in what their goals are and as far as  
13 treatment outcomes and just overall improvement and  
14 quality of life.

15 Q What is intensive family intervention in this  
16 context?

17 A That is a -- actually, a higher level of care  
18 service. It's -- it is for children and adolescents who  
19 are not responding to treatment at the nonintensive  
20 outpatient level and need additional support.

21 Q Can intensive family intervention be provided  
22 in a school setting?

23 A Yes, it can be. This is not something DeKalb  
24 Community Service Board offers.

25 Q To your knowledge, has DeKalb Community Service

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1 Board ever offered intensive family intervention, or IFI?

2 A Not to my knowledge.

3 Q Do you think that is a gap in the services  
4 offered by DeKalb Community Service Board that needs to  
5 be addressed?

6 A No, it is not, because we have community  
7 partners that do provide the service that we connect with  
8 to provide for the families who do -- we identify do need  
9 a higher level of care.

10 Q So to make sure I understand, DeKalb Community  
11 Service Board makes referrals to other providers of  
12 intensive family intervention where needed. Is that  
13 accurate?

14 A Yes.

15 Q Which specific provider does DeKalb Community  
16 Service Board refer to for the intensive family  
17 intervention service?

18 A Pathways Transition Program or Georgia --

19 Q Sorry, go ahead.

20 A And the other is Georgia Health Partners.

21 Q Okay. So Pathways Transition Program, is that  
22 the first one?

23 A Yes.

24 Q And then Georgia Health Partners is the second?

25 A Yes.

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1 Q Are they based in DeKalb?

2 A I don't know where their offices are based, but  
3 DeKalb is one of their counties that they serve.

4 Q Understood.

5 Are you aware of whether therapists in DeKalb  
6 Community Service Board's Apex Program have made  
7 referrals to the intensive family intervention service at  
8 either of those providers?

9 A Yes, we have.

10 Q Has that occurred in the last year?

11 A Yes.

12 Q How many referrals to intensive family  
13 intervention were made in 2022?

14 A I don't have the exact number.

15 Q Was it more than five?

16 A No.

17 Q So between one and five students were referred  
18 to intensive family intervention in 2022 through the  
19 DeKalb Community Service Board's Apex Program, correct?

20 A Yes.

21 Q What is Intensive Customized Care Coordination  
22 or IC3?

23 A That's a wraparound service that's offered at  
24 the State level. This is again for families who need  
25 additional support. It's -- it does not include

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1 therapeutic services. It's just kind of intensive case  
2 management services and support, and I also believe it  
3 includes a parent peer specialist.

4 Q To your knowledge, can Intensive Customized  
5 Care Coordination be provided either in person or by  
6 telehealth in a school setting?

7 A I believe it can, yes.

8 Q Does DeKalb Community Service Board currently  
9 offer Intensive Customized Care Coordination, or IC3?

10 A No, it does not.

11 Q And does DeKalb Community Service Board  
12 likewise make referrals to other providers for children  
13 who need IC3?

14 A Yes.

15 Q And to which referral -- to which providers does  
16 DeKalb Community Service Board refer students who need  
17 IC3?

18 A One of the providers is View Point Health.

19 Q Uh-huh. Is there any -- is there another, or  
20 is that the only one that you can recall?

21 A There is -- there is another provider. They  
22 have a new name and I can't recall, but it used to be  
23 called Lookout Mountain.

24 Q Right. Right.

25 And did DeKalb Community Service Board through

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1 its Apex Program make referrals to IC3 in 2022?

2 A No, we did not.

3 Q So we're going to take a break in a few  
4 minutes, but I just want to ask you -- let me see if I  
5 can make it just a little bit smaller so we can see the  
6 full list of services.

7 Ms. Allen, do these services in general, in  
8 your experience as child and adolescent services director  
9 at DeKalb Community Service Board, do these services help  
10 students manage their behavioral health needs in their  
11 home schools and communities?

12 A Yes, it does.

13 Q How do you know that?

14 A A couple of different things. We have measures  
15 that I mentioned that we do regularly to determine  
16 progress made. So one of the things is the CANS  
17 assessment. We have a -- our strength and difficulty  
18 questionnaire scores. A decrease in those scores show  
19 that their difficulties in certain areas are decreasing.  
20 We also monitor students' disciplinary referrals and  
21 grades over time as well. And, of course, the -- the  
22 therapists often speak with their teachers to also assess  
23 their behaviors, and the parents, as well, to -- to  
24 assess if they are showing improvement at home as well.

25 Q Thank you very much, Ms. Allen.

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1           You referred to monitoring data around  
2       disciplinary referrals; is that accurate?

3           A    Yes.

4           Q    Is that something that's reported to the Center  
5       of Excellence and DBHDD through this monthly progress  
6       report, or is that something that DeKalb Community  
7       Service Board is collecting and monitoring separately?

8           A    I believe that was something that used to be  
9       collected on the monthly reports, but we collect that  
10      data in our -- ourselves when we can get -- when we can  
11      get it.

12          Q    Okay. And just to -- just to make sure, let's  
13      just go ahead and go through this document. This is --  
14      just to make it clear, this is from April 2022, and so  
15      it's reflecting the practice in place as of March 2022.

16                My understanding is that there is nowhere on  
17      this form that would reflect the number of disciplinary  
18      referrals for students participating in Apex at E.L.  
19      Miller during that reporting period. Is that accurate?

20                And I'm happy to share the screen. If you  
21      would like to take control, you can.

22          A    Yes, thank you.

23          Q    You got it.

24          A    Okay. No, it's no longer included in the  
25      reports.

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1 Q Okay. And the -- to the best of your -- your  
2 knowledge and recollection, that's not something that's  
3 being reported currently through the monthly progress  
4 reporting to the Center of Excellence and DBHDD for your  
5 Apex Program?

6 A No, it is not.

7 Q Okay. What's the relevance of this  
8 disciplinary referral data that you said you are  
9 sometimes able to access in connection with students  
10 participating in behavioral health services in their  
11 schools?

12 A Yes. Well, it helps us get a sense of if their  
13 behavior is improving in the classroom setting. So in --  
14 in disciplinary, it also means just phone calls home to  
15 the parent. So if we see that reducing over time, it  
16 lets us know that their behavior management in the  
17 classroom is improving.

18 Q And if you -- I'm just going to take the  
19 control back. Give me a second.

20 And if there are -- if you do not see  
21 improvements in the disciplinary referrals, for example,  
22 calls home, would that suggest there needs to be a change  
23 in -- potentially in services being offered to the  
24 student?

25 A Yes.

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1 Q And as a matter of practice, is that how DeKalb  
2 Community Service Board uses that data?

3 A Yes, it is.

4 MR. HOLKINS: So we're at 10:15. I'd like to  
5 take a break for, let's say, 15 minutes, so 10:30, and I  
6 will wait for you, Mr. Murphy.

7 THE VIDEOGRAPHER: Okay. Hearing no objection,  
8 we will go off the record now at 10:14 a.m.

9 (The deposition was at recess from 10:14 a.m.  
10 to 10:30 a.m.)

11 THE VIDEOGRAPHER: We are back on the record at  
12 10:30 a.m. Please proceed.

13 Q BY MR. HOLKINS: Ms. Allen, I want to pull back  
14 up 798 which you were discussing previously. That's the  
15 monthly progress report for E.L. Miller from March of  
16 2022. Give me one second.

17 So I'm showing you the data you reported for  
18 the Tier III services. First, I just want to confirm  
19 that the -- the service definitions for each of these  
20 services are contained in the Georgia Department of  
21 Behavioral Health and Developmental Disabilities program  
22 manual for behavioral health providers; is that accurate?

23 A Yes.

24 Q Do you receive any training from DBHDD with  
25 respect to any of these services?



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1 A Yes. Just to provide clarity, more so related  
2 to interventions, for example, for individual services  
3 when it -- for the services listed here.

4 Q Can you describe what you mean by "individual  
5 services"? How would that be different from what's  
6 described here?

7 A Yeah. So for -- for example, it would be  
8 things like play therapy interventions, how to work with  
9 children who have experienced trauma, things of that  
10 nature.

11 Q And who provides that training at DBHDD when  
12 you do receive it?

13 A My -- the therapists are allowed to attend a --  
14 a conference that DBHDD sponsors. It's during the  
15 summer.

16 Q Is that optional for therapists at DeKalb  
17 Community Service Board?

18 A It is, yes.

19 Q Have you -- sorry, go ahead.

20 A Yes, it is.

21 Q Do you participate in the annual conference --

22 A Yes.

23 Q -- for DBHDD?

24 You do? Okay.

25 A Yes.

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1 Q Do Apex staff receive training on an annual  
2 basis with respect to evidence-based services?

3 A Yes.

4 Q Which specific evidence-based services do Apex  
5 staff at DeKalb Community Service Board receive training  
6 on annually?

7 A So they receive the play therapy training  
8 annually, and we have other trainings that they have to  
9 go through, including assessing suicidality. That's  
10 something they have to go through year -- annually, to  
11 show that they demonstrate they have knowledge how to  
12 appropriately assess risk for suicide.

13 Q Any other evidence-based services or  
14 interventions that your staff receive training on  
15 annually that you can recall?

16 A Not annually, no.

17 Q And what about upon becoming an employee at  
18 DeKalb Community Service Board? Are there other  
19 trainings with respect to evidence-based services that  
20 Apex staff receive at DeKalb Community Service Board?

21 A Yes. So they receive on-boarding training, so  
22 that would include learning or knowing how to accurately  
23 document based on the format that we utilize. They also  
24 receive training on the behavioral health assessments  
25 that we perform.

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1           So they -- essentially, they receive the  
2     training that all -- even the outpatient clinicians  
3     receive so that they're, you know, aware of all of the  
4     evidence-based interventions that our agency approved, so  
5     they are not practicing outside of their scope of what's  
6     agency approved. So we also review that as well.

7           Q     Are you familiar with applied behavioral  
8     analysis, or ABA?

9           A     Yes, I am.

10          Q     Do you know whether that's an evidence-based  
11     service?

12          A     It -- from what I understand, it is.

13          Q     Is that something that you have received any  
14     training on?

15          A     I have not.

16          Q     Do you know whether any staff at DeKalb  
17     Community Service Board, whether working in Apex or  
18     elsewhere, have received training on ABA?

19          A     I do not know.

20          Q     Do you know whether Apex staff specifically  
21     have received raining on applied behavioral analysis?

22          A     No, not to my knowledge.

23          Q     They have not?

24          A     They have not.

25          Q     We talked briefly about functional behavioral

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1 assessments. I wanted to get a sense from you of whether  
2 you have received any training with respect to functional  
3 behavioral assessments?

4 A No, I have not.

5 Q And you have no experience performing or  
6 conducting functional behavioral assessments either,  
7 correct?

8 A No, I do not.

9 Q You referenced the five staff working under you  
10 for the Apex Program at DeKalb Community Service Board,  
11 correct?

12 A Yes.

13 Q What are the disciplines of those five staff,  
14 clinical disciplines?

15 A Two marriage and family therapists and three  
16 professional counselors.

17 Q Licensed professional counselors?

18 A One is a licensed professional counselor. The  
19 other two are licensed associate professional counselors.

20 Q What's the difference?

21 A The licensed associate professional counselors  
22 are still under clinical supervision, so they -- they're  
23 not fully independent licensed as of yet.

24 Q And for those two individuals who are at the  
25 associate level, who is providing that clinical

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1 supervision at DeKalb Community Service Board?

2 A Myself, I provide part of it. One has an  
3 outside clinical supervisor, and the other has another  
4 director who provides clinical supervision. But I  
5 provide part of their clinical supervision as well.

6 Q Are those individuals working toward becoming  
7 an LPC? Is this just kind of, you know, a stepping  
8 stone, or do you expect them to remain as an associate?

9 A No. This is part of the process to fully  
10 licensure. They have to undergo clinical supervision for  
11 a number of -- certain amount of years, according to the  
12 board. And then once they have those supervision hours,  
13 direct client hours, then they can apply to be fully  
14 licensed.

15 Q I understand. Thank you.

16 We talked a little bit about discipline --  
17 disciplinary referral data that you sometimes are able to  
18 access for students participating in the Apex Program in  
19 DeKalb Community Service Board. Do you recall that?

20 A Yes, I do.

21 Q Is that data student-level data or school-level  
22 data with respect to disciplinary reports?

23 A That is student-level data.

24 Q Okay. And who -- who maintains that data? Is  
25 it -- is that something that's in the school's

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1 possession, or is it something that DeKalb Community  
2 Service Board has?

3 A That's maintained through a spreadsheet that we  
4 have that tracks the current students that we serve.

5 Q And that's a spreadsheet that DeKalb Community  
6 Service Board itself maintains?

7 A Correct.

8 Q Correct?

9 A Yeah.

10 Q Okay. And it would show for each of the  
11 students participating in Apex through DeKalb Community  
12 Service Board, how many disciplinary referrals and what  
13 referrals occurred for the relevant period. Is that  
14 accurate?

15 A Yes, just a number. It doesn't break down the  
16 specific type; just how many for that month, yes.

17 Q And are you reviewing disciplinary referral  
18 data on a regular basis with the therapists who were  
19 assigned to specific schools?

20 A I review it quarterly, not monthly.

21 Q Okay. And for what purpose are you reviewing  
22 that data quarterly?

23 A Just so they are -- they are aware of how their  
24 students are performing conduct-wise in the classroom, if  
25 that's something that, one, that can be discussed with

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1 the parent to get their feedback, also with the teacher  
2 to make -- also provide, make some interventions that may  
3 be helpful for the teacher to try in the classroom.

4 Q You -- you referenced earlier this morning  
5 participating in IEP meetings. Do you recall that?

6 A Yes.

7 Q And was that in your capacity as a case manager  
8 before you became --

9 A Yes.

10 Q -- adolescent services director?

11 A Yes.

12 Q Are you still participating in IEP meetings?

13 A I do not.

14 Q Does anyone on your staff for the Apex Program  
15 participate in IEP meetings?

16 A Yes, they do.

17 Q Is that a part of the responsibility of Apex  
18 therapists?

19 A Yes, it is.

20 Q Do you know whether the disciplinary referral  
21 data that you were just referencing is -- is used to  
22 guide the Apex therapists' participation in those IEP  
23 meetings?

24 A I -- I can't say for sure because I'm not in  
25 attendance in those meetings.

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1 Q Would you expect as supervisor for the Apex  
2 staff at DeKalb Community Service Board that the student  
3 disciplinary data would be relevant to the IEP  
4 discussion?

5 A Yes.

6 Q Is your -- would you expect that Apex  
7 therapists would be making specific recommendations for  
8 changes to services or interventions during an IEP  
9 meeting based in part on the disciplinary referral data?

10 A Yes.

11 Q And are you conducting any kind of review to  
12 determine whether the student disciplinary data is  
13 actually being used in that way?

14 A No, I don't. I do not.

15 Q Do you agree generally with the premise -- I'm  
16 just going to take this document down. It's a little bit  
17 easier to follow.

18 Ms. Allen, do you agree generally with the  
19 premise that assessment should precede intervention in  
20 child and adolescent services?

21 A Yes.

22 Q Why is that important?

23 A So you -- one, so the intervention that you are  
24 providing is accurate based on data; the data supports  
25 the intervention that you are utilizing.



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1 Q So both the kind of individualized assessment  
2 and assessment of data, in your view, should be informing  
3 the treatment that the child is receiving?

4 A Yes.

5 Q You referenced a few -- when we were going  
6 through the list of Tier III services, you referenced  
7 skill building as one of the services that can be  
8 provided by Apex therapists. Is that accurate?

9 A Yes.

10 Q So what assessments does DeKalb Community  
11 Service Board use to determine what skill building should  
12 be provided to a student?

13 A Yes. So we utilize the Strength and  
14 Difficulties Questionnaire, which is done at the intake,  
15 which is the baseline, and every six -- it's every six  
16 months. It outlines what areas that they still have --  
17 are having challenges with.

18 And then also we get feedback from the parents,  
19 as well as the teachers, as to what areas the child is  
20 still having challenges with. And that informs us into  
21 what, you know, skills are still needed or to be  
22 reinforced.

23 And then also we do have a skills assessment  
24 that we use -- that some of the case managers use as well  
25 -- to determine what areas we should be focusing on with

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1 the child and the family.

2 Q Okay. Thank you.

3 And I know that DeKalb CSB has produced some  
4 forms to us as part of its response to our subpoena, and  
5 we'll talk about the exact forms later.

6 I believe you also referenced providing  
7 behavioral modification services as part of the Apex  
8 services that are offered. Is that correct?

9 A Yes.

10 Q And are you using -- is DeKalb CSB relying on  
11 the same sources of information to inform what behavioral  
12 modifications should be provided to students?

13 A Yes.

14 Q So that would be the skill building -- or  
15 excuse me, the strengths and difficulties assessment and  
16 the information you received from parents, correct?

17 A Yes, and teachers and other stakeholders in the  
18 child's life.

19 Q Can you describe the process of how Apex  
20 therapists get that feedback from teachers and from  
21 parents and from other key people in the child's life?

22 A Yes. So, of course, we start with the -- the  
23 initial intake assessment where the parent kind of goes  
24 into detail of why they are bringing their child in for  
25 services, background information, describing how long the

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1 behavior has been occurring or the particular emotional  
2 challenge it -- challenge that's been occurring.

3 And then the therapists from -- well, we get  
4 release of information to speak with teachers or anyone  
5 else that the parent identifies may have additional  
6 information and can provide a -- a clearer picture about  
7 what's going on with the child, especially when they are  
8 not in the parent's presence. So that includes teachers,  
9 administrators, to get a sense of what may be triggering  
10 the behavior, what they are doing right before the  
11 behavior or the emotion occurs. And sometimes it could  
12 also be classroom observation as well that we get that  
13 information from.

14 Q How often do you expect Apex therapists to be  
15 in communication with parents and teachers regarding a  
16 child who is enrolled in Apex services through the DeKalb  
17 Community Service Board?

18 A My requirement is at least once a month.

19 Q Okay. So I -- I want to shift gears for a bit.  
20 We are going to talk more about Apex, but I want to ask  
21 you some questions about GNETS.

22 First off, what is your understanding of what  
23 the GNETS program is?

24 A It's a psycho ed program for children who have  
25 emotional behavior disorders that are -- from an

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1 assessment, they're -- they're determined that they can't  
2 attend a traditional mainstream school.

3 Q And are you familiar with the process for  
4 referring a student from their home school to a GNETS  
5 program?

6 A No, I am not.

7 Q Have you ever participated -- this is kind of  
8 reaching back to your time as a case manager when you  
9 were directly involved in IEP meetings. Did you ever  
10 participate in a decision to refer a child from their  
11 home school to a GNETS program?

12 A No, I have not.

13 Q Do you have any sense of what services are  
14 available to students within a GNETS program?

15 A I do not.

16 Q And you specifically referenced Eagle Woods  
17 Academy, correct?

18 A Yes.

19 Q That's a GNETS program?

20 A Yes.

21 Q And you have no idea what behavioral health  
22 services or supports are provided at that facility?

23 A I do not.

24 Q And is it also fair to say that you don't know  
25 whether students enrolled in that facility can receive

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1 within a school setting services that -- the services  
2 that we identified in Exhibit 798?

3 A I do not.

4 Q Have you ever coordinated with a GNETS program  
5 director or a direct chair staff at a GNETS facility?

6 A No.

7 Q Are you familiar with a document called the  
8 GNETS Rule that was developed by the Georgia Department  
9 of Education?

10 A No.

11 Q Do you know whether that rule, as developed by  
12 the Georgia Department of Education, sets an expectation  
13 of coordination between GNETS facilities and the local  
14 community services board?

15 A No, I was not aware.

16 Q Are you aware of whether any staff at DeKalb  
17 Community Service Board provide direct care services at a  
18 GNETS program?

19 A No, not to my knowledge.

20 Q Is it also fair to say that the Apex staff who  
21 are under your supervision currently at DeKalb Community  
22 Service Board are not providing any services directly in  
23 a GNETS facility?

24 A No, they are not.

25 Q Give me a second. I'm going to show a document

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1 which will be 799. Bear with me one second.

2 (Plaintiff's Exhibit 799 was marked for  
3 identification.)

4 Q BY MR. HOLKINS: Thanks for your patience.

5 So I'm just -- I just published what we're  
6 marking as Exhibit 799. Ms. Allen, this is a document  
7 that was produced to the United States by the State  
8 during the course of this litigation. The Bates stamp is  
9 GA00129218. It's an e-mail from Danielle Jones, who I  
10 believe you referenced coordinating with at DBHDD,  
11 correct?

12 A That is correct.

13 Q It's dated October 17, 2019. There are a  
14 number of recipients through this e-mail, and that  
15 includes you. I'll highlight the text here. That's your  
16 e-mail address, correct, Janel --

17 A Yes.

18 Q -- Allen?

19 Okay. Thank you.

20 So the subject of this e-mail is "Follow up  
21 from all CYF consortium," and I'm going to give you a  
22 second to review the e-mail because I know it's from a  
23 few years ago.

24 Give me one second, and I will shift control to  
25 you. Just let me know when you are finished. You should

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1 have control, Ms. Allen.

2 A Okay.

3 Q I am going to take control of the document  
4 back.

5 A Okay.

6 Q Scroll up here. I want to direct you to the  
7 body of the e-mail, which includes a chart with two  
8 columns. The first is "Apex Schools," and the second is  
9 "Non-Apex Schools." And under the column "Non-Apex  
10 Schools," there is an entry for GNETS standalone  
11 programs. The description says, "Education facility that  
12 only holds a GNETS program; they do not align with the  
13 Apex model of reaching students in all 3 Tiers of  
14 service."

15 Ms. Allen, before reviewing this e-mail today,  
16 were you aware that there was a restriction in place by  
17 DBHDD prohibiting the provision of Apex services and  
18 GNETS stand-alone programs?

19 A Not until I reviewed this document and it, you  
20 know, jogged my recollection.

21 Q Okay. Is this a topic that you had discussed  
22 with DBHDD at any point?

23 A No, I had not.

24 Q So I want to direct you to the text underneath  
25 the -- the chart which reads that, "Apex funds are in

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1 large not allowed to be used for GNETS students due to  
2 GNETS programs being funded through a grant through the  
3 Georgia General Assembly." It continues, "Apex funds are  
4 also funded through the Georgia General Assembly. A  
5 student would be 'double dipping' if they receive both  
6 GNETS and Apex funds, and that -- and this is not  
7 allowed. Also GNETS students are already receiving  
8 intensive therapeutic services along with their  
9 educational piece."

10 Ms. Allen, do you have any -- do you -- do you  
11 agree with this restriction prohibiting Apex from  
12 operating in GNETS stand-alone facilities?

13 A I don't have an opinion either way, to be  
14 honest, because I -- I don't have enough knowledge in the  
15 decision-making process as it pertains to this.

16 Q And you're in no position to say whether, in  
17 fact, GNETS students are already receiving intensive  
18 therapeutic services within that setting?

19 A No, I cannot say that because I am not familiar  
20 with the -- what the -- what they do within the GNETS  
21 programs.

22 Q The last line of this paragraph states that,  
23 "The ONLY instance Apex funds can be used for a GNETS  
24 student is if the student started at an Apex school, and  
25 then was transferred into the GNETS program at their new



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1 school."

2 Do you see that text?

3 A I do, yes.

4 Q Has that ever occurred, to your knowledge, at  
5 DeKalb Community Service Board, where a student started  
6 receiving Apex and then transferred to GNETS and then  
7 continued to receive Apex?

8 A No, it has not.

9 Q Does DeKalb Community Service Board track the  
10 number of students participating in its Apex Program who  
11 then go into a GNETS facility?

12 A We would, but we haven't had that happen.

13 Q To your knowledge, it's never -- it's never  
14 occurred?

15 A No.

16 Q In the four years that you've been director of  
17 child and adolescent services at DeKalb?

18 A Yes, that is correct.

19 Q But you said that if this did occur, you would  
20 want to track it. Is that accurate?

21 A Yes.

22 Q And why would it be important to track the  
23 number of students participating in Apex who move into a  
24 GNETS facility?

25 A Well, we would want to track anytime a student

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1 moves out of Apex, an Apex school in general, because  
2 that would mean that they technically are not receiving  
3 Apex services once they move out of that school. So  
4 anytime that happens, we -- we have to technically remove  
5 them from the program and transition them to something  
6 else, usually outpatient services.

7 Q So just to make sure I understand, the  
8 expectation would be that a child moving into GNETS after  
9 receiving Apex would be dis-enrolled from Apex but would  
10 be enrolled in other outpatient services that may be  
11 needed through DeKalb Community Service Board. Is that  
12 accurate?

13 A Yes, other outpatient services or -- or  
14 whatever is deemed appropriate for them.

15 Q And why would it be important to make that  
16 linkage to outpatient services or other appropriate  
17 services at that point in time?

18 A We want to make sure that there's not a  
19 disruption in care; especially if there is a need for  
20 them to continue services, we want to make sure they get  
21 connected and continue services.

22 Q So the goal would be to continue working with  
23 the child even after the placement in GNETS to provide  
24 whatever services and supports that may be necessary?

25 A If that was to happen. If -- if that was to

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1 happen, yes. But to my knowledge, that has never -- that  
2 has not occurred.

3 Q And how -- how do you know that no  
4 Apex-enrolled student at DeKalb Community Service Board  
5 has moved to GNETS? How are you sure of that?

6 A Because we do get the information of what  
7 school they enroll in next, to determine if they're  
8 enrolling in one of our other Apex schools or if  
9 there's -- there is not a program there. So we do know  
10 what school they are going to.

11 Q Understood. So you would receive information  
12 from the school, I'm assuming, if a child were to move to  
13 a different school while enrolled in your Apex Program?

14 A It's mostly the -- the parents that inform us.

15 Q The parents?

16 A Yes.

17 Q And are you formally reaching out to parents to  
18 get that information, or is it kind of incumbent on the  
19 parents to provide it to you?

20 A We reach out to them.

21 Q Okay. I'm going to stop sharing this.

22 Students who are enrolled in Apex through  
23 DeKalb Community Service Board, is your team working to  
24 identify students who may be at risk of placement in a  
25 GNETS facility?

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1           A    Not to my knowledge, specifically, to identify.  
2   They meet regularly with the school counseling staff and  
3   social workers about students they're currently serving  
4   and at times kids that they may want to refer to Apex  
5   Program, but I can't say that those meetings involve  
6   potential -- discussing potential placements to GNETS.

7           Q    Do your staff at DeKalb Community Service Board  
8   participate in IEP meetings for students that are not  
9   enrolled in Apex?

10          A    They could if the parent requested it.

11          Q    And does that happen?

12          A    It has. Not as frequently, but it is a service  
13   that is offered to the school.

14          Q    I'm not going to ask for you to provide an  
15   exact number, but in 2022, did this occur more than five  
16   times, where a parent requested that DeKalb Community  
17   Service Board participate in an IEP meeting for a student  
18   not enrolled in Apex?

19          A    No, not to my knowledge.

20          Q    So it occurred between one and five times in  
21   2022 or not at all?

22          A    Yes, between one and five times.

23          Q    Okay. And do you have any sense sitting here  
24   today of how many students were referred from DeKalb  
25   County schools to GNETS in 2022?

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1 A No, I do not have that knowledge.

2 Q Do you know whether it's more than five?

3 A I do not.

4 Q And the role of DeKalb Community Service Board  
5 staff when they participate in those meetings is to help  
6 identify services and supports that may meet that child's  
7 needs in their home school. Is that accurate?

8 A Yes.

9 Q All right. Give me a second. We are going to  
10 move on to some more documents.

11 (Plaintiff's Exhibit 800 was marked for  
12 identification.)

13 Q BY MR. HOLKINS: Ms. Allen, I just published  
14 what we are going to mark as Exhibit 800. This is  
15 another document produced by the State to the United  
16 States in this matter. As you will see, the Bates stamp  
17 is GA03142380, and this is an e-mail dated March 30, 2018  
18 from -- and please correct me if I -- if I mispronounce  
19 this. It's from Ashunte Claybrooks to --

20 A Yes.

21 Q -- Layla Fitzgerald.

22 Ashunte appears to have been, or perhaps still  
23 is, an employee of DeKalb Community Service Board. Are  
24 you familiar with that individual?

25 A Yes, I am.

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1 Q And is Mr. Claybrooks -- is it Mr. or Mrs., I'm  
2 sorry?

3 A Mrs.

4 Q Mrs., thank you.

5 And does Ms. Claybrooks still work for DeKalb  
6 Community Service Board?

7 A No, she does not.

8 Q Okay. And what was Ms. Claybrooks's role at  
9 DeKalb Community Service Board at the time that she sent  
10 this e-mail?

11 A She was the director of child and adolescent  
12 services.

13 Q The role that you're currently in?

14 A Yes, that is correct.

15 Q Ms. Claybrooks is attaching in this e-mail a  
16 sustainability plan, and this is being sent to DBHDD  
17 staff, including Layla Fitzgerald and Danté McKay. Is  
18 that all correct?

19 A Yes.

20 Q Okay. I want to show you now the  
21 sustainability plan which is referenced as an attachment  
22 here. Give me one second and I will pull that up as 801.

23 (Plaintiff's Exhibit 801 was marked for  
24 identification.)

25 Q BY MR. HOLKINS: Ms. Allen, I just published

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1 what we are marking as Exhibit 801. This is another  
2 document produced by the State of Georgia to the United  
3 States in this matter. The Bates number is GA03142381.  
4 From its title, this appears to be the Georgia Apex  
5 Program Sustainability Plan for DeKalb Community Service  
6 Board dated 03/27/2018 submitted by Ashunte Claybrooks.

7 Ms. Allen, have you seen this document before?

8 A I have not.

9 Q Does DeKalb Community Service Board currently  
10 have a sustainability plan for its Apex Program?

11 A I do not believe so. I have not done one in my  
12 current role.

13 Q So in the four years that you've been child and  
14 adolescent services director at DeKalb Community Service  
15 Board, you have not worked on or submitted a  
16 sustainability plan for the Apex Program to DBHDD?

17 A No, I have not.

18 Q Do you know whether a sustainability plan is a  
19 requirement of the program deliverables for the Apex  
20 Program as designed by DBHDD?

21 A I am aware that they would like us to reach a  
22 level of sustainability and not rely solely on grant  
23 funding to run the program. Yes, I am aware of that.

24 Q Do you know whether DBHDD specifically requires  
25 that providers of Apex have a sustainability plan in

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1 place?

2 A I don't know if a plan is required, but I know  
3 that they like us to keep sustainability at the  
4 forefront.

5 Q And can you describe your understanding  
6 of -- of that goal, of maximizing funds outside of the  
7 DBHDD grant. What's the purpose in that?

8 A Well, the -- the purpose is if the funds, you  
9 know, were not able to be renewed or supported by DBHDD  
10 any longer, that we would still be able to keep the  
11 program going even without the funds.

12 Q And what specific funding outside of DBHDD  
13 annual grants are you referring to that would help to  
14 keep the program going if the grant funds were to expire?

15 A Well, you would want to when there is no  
16 identified other funding at this time, but it would be to  
17 have a referral flow and consistent clients that would  
18 support it at a sustainable level so you wouldn't need  
19 any funding outside of DBHDD to support it. So just to  
20 get to the level of that threshold where, you know, you  
21 would have the amount of clients to support that.

22 Q Right. And to make sure I understand, that the  
23 sources of that funding would -- would principally be  
24 third-party payers like Medicaid; is that accurate?

25 A That's correct.



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1 Q Okay. And do you know whether DeKalb CSB has  
2 been able to expand the amount of third-party payer  
3 funding that it brings into its Apex Program?

4 A We have increased our level of services, yes,  
5 but I can't say that we are sustainable quite yet, but it  
6 has improved.

7 Q And just to make sure, sustainable, as you're  
8 using it in this context, means that if DBHDD were to  
9 withdraw the annual grants, you would be able to continue  
10 the program at current capacity, correct?

11 A That is correct.

12 Q Okay. Does DeKalb Community Service Board have  
13 a timeline or a target for when it wants to achieve  
14 sustainability?

15 A That's a -- that's an annual goal of ours.  
16 That's a consistent goal. I don't have a particular  
17 timeline, but that's something that I monitor throughout  
18 the year.

19 Q Are you able to say or estimate for the last  
20 calendar year or fiscal year how much funding through  
21 third-party sources DeKalb Community Service Board  
22 received in connection with its Apex Program?

23 A Yes, we have that information. I don't know it  
24 offhand, but I do see that information.

25 Q So that's information that you could access?

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1 A Yes.

2 Q And do you know whether -- and recognizing that  
3 you don't have the exact figure in front of you, did  
4 DeKalb Community Service Board receive more in funding  
5 from third-party payer sources than it received from  
6 DBHDD for its Apex Program?

7 A No, I don't believe so.

8 Q So it's fair to say that the DBHDD annual grant  
9 is still the dominant source of funding for DeKalb  
10 Community Service Board's Apex Program?

11 A Yes.

12 Q Is achieving sustainability a topic of  
13 discussion between you and DBHDD staff?

14 A Yes.

15 Q And what guidance or recommendations does DBHDD  
16 provide to DeKalb Community Service Board to assist you  
17 in achieving sustainability?

18 A To increase the amount of services we are  
19 providing through the third payer source or to look for  
20 other sources of funding, like directly from the school  
21 district.

22 Q So that sounds like a general goal that DBHDD  
23 has set for DeKalb Community Service Board. Have they  
24 provided any kind of technical assistance on how to  
25 achieve it?

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1 A Not direct technical assistance, but it's  
2 just -- it's been -- well, I'm sorry, discussed in -- in  
3 meetings that just didn't include our program.

4 Q So this would be a topic of discussion with  
5 Apex providers broadly?

6 A That is correct.

7 Q But to your knowledge, DBHDD hasn't provided  
8 any specific technical assistance on how to provide or  
9 bill for more services through Apex, and this is specific  
10 to DeKalb Community Service Board?

11 A Not specific to our agency, no.

12 Q And what guidance has DBHDD provided to all  
13 Apex providers as to how to expand the number of services  
14 provided and billed?

15 A In general, they just gave suggestions or  
16 informed us about different services just to make sure  
17 that we weren't missing opportunities to bill, so for  
18 services that we were doing, to make sure that we knew  
19 that those were billable services. As I mentioned,  
20 seeking out other, you know, community partners as  
21 funding sources, including the school districts that you  
22 serve. Those were the main suggestions that they gave  
23 us.

24 Q Who is providing that -- this guidance on  
25 behalf of DBHDD?

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1 A I believe in those meetings it was Layla.

2 Q Layla Fitzgerald?

3 A Fitzgerald, yes.

4 Q What specific services did Ms. Fitzgerald focus  
5 the community service boards on as opportunities for  
6 expanding billables under Apex?

7 A I can't recall specifically. It was just a  
8 general overview of services in general that we share --

9 Q That could be --

10 A -- the billing for.

11 Q Understood. So it was an overview of the  
12 services that could be provided through Apex. Is that  
13 accurate?

14 A Yes.

15 Q But you've never had a conversation with anyone  
16 at DBHDD about specific strategies for expanding billing  
17 services through your Apex Program?

18 A No, I have not.

19 Q So I -- I recognize you didn't draft this  
20 document and it's from 2018. I want to direct you,  
21 however, to an excerpt on page 3. It starts with  
22 "Lastly." And the paragraph reads, "Lastly, it" -- being  
23 Apex -- "has changed the method of services for children.  
24 Providing therapeutic services within schools was largely  
25 uncharted territory for DeKalb CSB before the Apex

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1 project. Now it is seen as a viable option for meeting  
2 the needs of children in the county."

3 Do you see that text?

4 A Yes, I do.

5 Q And do you agree that -- with this statement,  
6 that Apex has created a viable option for meeting the  
7 needs of the children in the county through their  
8 schools?

9 A Yes, I do.

10 Q So under "New program activities to be added  
11 within current schools" -- this is on page 4 -- I want to  
12 direct you to a short paragraph that reads, "We have a  
13 data sharing agreement with the school system where we  
14 collect outcomes data on students including grades,  
15 attendance and discipline referrals."

16 Do you see that text?

17 A Yes.

18 Q Is this the -- does this agreement facilitate  
19 the access to the disciplinary referral data that we were  
20 discussing earlier?

21 A Yes.

22 Q And this is an agreement that -- that DeKalb  
23 Community Service Board has directly with the school  
24 systems, correct?

25 A That is correct, yes.

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1 Q DeKalb Community Service Board does not share  
2 this data with DBHDD, correct?

3 A No, we do not.

4 Q DBHDD, to your knowledge, has not requested  
5 this data in connection with DeKalb Community Service  
6 Board's Apex Program, to the best of your knowledge,  
7 correct?

8 A To the best of my knowledge, no.

9 Q Has the Georgia State University Center of  
10 Excellence requested this data, to the best of your  
11 knowledge?

12 A No, they have not, to the best of my knowledge.

13 Q And if -- would you expect if there were a  
14 request by DBHDD or the Center of Excellence for the data  
15 relating to grades, attendance, and discipline referrals,  
16 that that request would be made to you as the lead for  
17 the Apex Program at DeKalb Community Service Board?

18 A I'm sorry, can you repeat that question?

19 Q Absolutely. If a request were made by DBHDD or  
20 the Center of Excellence for this data, would you expect  
21 that request to be made to you as the director of the  
22 Apex Program?

23 A Yes.

24 Q Also on page 4 under "Expanding Your Project,"  
25 the document references "a partnership with DeKalb County

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1 Schools to expand current project -- our current project  
2 to additional schools in order to increase  
3 sustainability."

4 Do you see that text?

5 A Yes.

6 Q Does that remain a goal, for the DeKalb  
7 Community Service Board to expand the Apex project to  
8 include additional schools?

9 A Yes, that is the goal.

10 Q And has DeKalb Community Service Board set a  
11 specific target for how many additional schools it would  
12 like to add to its Apex Program?

13 A No, not specifically, because that depends on  
14 funding.

15 Q Has DeKalb Community Service Board made a  
16 specific proposal for adding schools to its Apex Program  
17 since 2021?

18 A Not since 2021, no.

19 Q What in -- let's just go back to the beginning  
20 of your time as child and adolescent services director.  
21 Have there been requests made by DeKalb Community Service  
22 Board to add additional schools to its Apex Program?

23 A Yes, when we applied for Apex 3.0.

24 Q How many additional schools was DeKalb  
25 Community Service Board looking to serve through its Apex

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1 Program with that Apex 3.0 application?

2 A I believe it was nine additional schools.

3 Q And that application for Apex 3.0 funding,  
4 which would allow DeKalb Community Service Board to  
5 expand its Apex programs in nine schools, that  
6 application was denied, correct?

7 A That is correct.

8 Q Has DeKalb Community Service Board since  
9 reapplied for Apex 3.0 funding?

10 A There haven't been additional opportunities to  
11 reapply.

12 Q And that initial application was submitted in  
13 2020. Is that accurate?

14 A Yes, it was.

15 Q What's --

16 A I'm sorry, it was -- no, it was submitted in  
17 2019. Excuse me. Correction.

18 Q Thank you for that correction.

19 So the application for Apex 3.0 funding was  
20 submitted by DeKalb Community Service Board in 2019?

21 A Yes, that is correct.

22 Q What's your understanding of why DeKalb  
23 Community Service Board's application for Apex 3.0  
24 funding in 2019 was denied?

25 A The explanation given was that other providers



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1 that applied had better applications that we did -- than  
2 we did, and that with our current line of funding, that  
3 we still had room to expand with our current line of  
4 funding.

5 Q So it was a competitive application process.  
6 Is it fair to say that?

7 A Yes.

8 Q And DBHDD ultimately decided to award the grant  
9 fund to other Apex providers?

10 A To other providers, yes.

11 Q And consequently, those nine schools are not  
12 currently participating in Apex, correct?

13 A That is correct.

14 Q Could you describe the process the DeKalb  
15 Community Service Board used for identifying the nine  
16 schools that would have received Apex had this  
17 application been granted?

18 A When we let DeKalb schools know we were  
19 applying for Apex 3.0 and asked for a letter of support,  
20 which was required for the application, they provided the  
21 nine schools to us that they would like to potentially  
22 expand into.

23 Q Was there any consultation with the -- the  
24 school system about why they selected those nine schools?

25 A No, there was not.

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1 Q Has DeKalb Community Service Board undertaken  
2 any assessment of the need for Apex services countywide?

3 A No, we have not.

4 Q Do you think it's fair to say that there are  
5 schools beyond those nine schools identified for this  
6 2019 application that need and could benefit from Apex  
7 services in DeKalb County?

8 A Yes.

9 Q Are you familiar with the term "System of  
10 Care"?

11 A Yes.

12 Q I'm looking at page 5 of the sustainability  
13 plan which references the System of Care efforts  
14 undertaken by DeKalb Community Service Board.

15 First, before I ask you about the text here,  
16 what's your understanding of what a System of Care is?

17 A It's a philosophy, and I mentioned earlier,  
18 it's identifying essentially the gaps in services for  
19 children, adolescents and young adults, and working with  
20 families and community partners to address those gaps in  
21 the system.

22 Q What are, in your view, the key participants in  
23 the System of Care approach for children and adolescent  
24 service recipients?

25 A It's the -- it's the state -- you know, state

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1 agencies, such as the local school districts, DFCS,  
2 Department of Juvenile Justice. It's the local county  
3 agencies like juvenile court and other community partners  
4 like Boys and Girls Club. Any -- any community  
5 stakeholder that has an interest in improving the lives  
6 of children and adolescents and families would be  
7 included in the System of Care.

8 Q If hypothetically a child who had been  
9 participating in Apex through DeKalb Community Service  
10 Board was then placed in the GNETS program, would you  
11 expect the GNETS program to be a -- a key participant in  
12 the System of Care approach for that child's treatment?

13 A Yes.

14 Q I'm going to set this aside. I'm going to show  
15 you another document, Ms. Allen. This will be 802.

16 (Plaintiff's Exhibit 802 was marked for  
17 identification.)

18 Q BY MR. HOLKINS: For the record, this is  
19 GA03147757. It's an e-mail from Ms. Claybrooks, who at  
20 the time was the director of child and adolescent  
21 services in DeKalb Community Service Board, to Layla  
22 Fitzgerald. It's dated 5/15/2018. The subject is  
23 "Expansion of School Based Mental Health Services."

24 Ms. Allen, I know you did not receive or send  
25 this e-mail. I want to ask you whether this list of

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1 schools is the same -- identifies the same schools that  
2 you were referring to either -- earlier that would have  
3 received Apex services had DeKalb's Apex 3.0 been  
4 granted.

5 A No, it was not.

6 Q This is different?

7 A Yes, it's different.

8 Q Okay. Can you describe -- so this is obviously  
9 in 2018, which predates that application. Do you  
10 understand -- and I can give you control of the document  
11 if you need to take a look. But do you understand this  
12 to be a proposal to expand the schools participating in  
13 Apex through DeKalb Community Service Board?

14 A Yes, I do, based -- based on the -- the craft  
15 of the e-mail, yes.

16 Q And just let me know when you've finished  
17 reviewing. I do see a reference to the Apex Program in  
18 an earlier e-mail that's read.

19 So let me just re-ask, does this appear to be a  
20 proposal to expand DeKalb Community Service Board's Apex  
21 Program by adding schools?

22 A Yes.

23 Q Okay. I'm going to take control of the  
24 document back. Give me one second.

25 And it appears that this was a proposal that

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1 was made in concert with representatives of DeKalb County  
2 Schools. Is that accurate?

3 A Yes.

4 Q So going back up to Ms. Claybrooks' e-mail from  
5 May 2018 to Layla Fitzgerald, I want to ask you whether  
6 any of the schools that are identified in this e-mail,  
7 starting with John Lewis Elementary School through  
8 Fairington Elementary School, are currently participating  
9 in the Apex Program through DeKalb Community Service  
10 Board?

11 A Yes.

12 Q Which ones?

13 A Redan Elementary School.

14 Q And it looks like there are one, two, three,  
15 four, five, six -- seven other schools identified in that  
16 first list, and none of them are participating in Apex  
17 currently through DeKalb Community Service Board,  
18 correct?

19 A That is correct.

20 Q And this is a -- is there any overlap between  
21 this list and the list of nine schools that were  
22 identified in DeKalb Community Service Board's Apex 3.0  
23 application in 2019?

24 A No, there is not.

25 Q So if we added up about seven schools from this

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1 list plus nine schools from the 2019 application, so 16  
2 schools in total that had been identified as needing Apex  
3 services but are not participating in that program  
4 currently through DeKalb Community Service Board. Is  
5 that accurate?

6 A That is correct. This list, I believe,  
7 actually pertains to 2.0, actually. So there were  
8 schools added but just not these schools.

9 Q Not these schools. Understood.

10 So this was a request under a separate funding  
11 stream, Apex 2.0?

12 A 2.0, yes.

13 Q But it still remains the case that there  
14 were -- between these two applications, there were 16  
15 schools that were identified as candidates -- good  
16 candidates for Apex services which are not receiving them  
17 currently through the DeKalb Community Service Board. Is  
18 that accurate?

19 A That is correct.

20 Q Just give me a second. I'm going to pull up  
21 another document. This will be 802 (sic).

22 (Plaintiff's Exhibit 803 was marked for  
23 identification.)

24 Q BY MR. HOLKINS: Ms. Allen, I have just  
25 published what we are marking as Exhibit 802 (sic). The

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1 Bates number is GA00130770. This is a letter on the  
2 DeKalb Community Service Board letterhead dated November  
3 20, 2020. I am going to give you control of the document  
4 so you can take a look at it. Please let me know when  
5 you finish.

6 A Okay.

7 Q Ms. Allen, have you seen this document before?

8 A Yes, I have.

9 Q I note at the bottom on page 2 that it's signed  
10 by the chief executive officer for the DeKalb Community  
11 Service Board, correct?

12 A Yes, that is correct.

13 Q And did you review this document before it was  
14 sent?

15 A Yes, I did.

16 Q Did you help to draft it?

17 A Yes, I did.

18 Q This letter of protest was sent to DBHDD,  
19 correct?

20 A That is correct.

21 Q And what does the letter pertain to?

22 A It pertains to the denial of our application  
23 for Apex 3.0.

24 Q Okay. The letter reflects that the nine  
25 additional schools that DeKalb Community Service Board

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1 proposed to serve through the Apex 3.0 grant have 11,000  
2 students in total. Is that accurate, to the best of your  
3 knowledge?

4 A Yes. To the best of my knowledge, yes.

5 Q Is it also accurate, as stated in this  
6 letter -- excuse me -- that DeKalb Community Service  
7 -- that DeKalb County School District is the third  
8 largest in the state?

9 A Yes, that is correct.

10 Q I want to make sure I understand the total  
11 service cost requests. There's a reference to \$323,790.  
12 Is that amount -- is that the amount of grant funds that  
13 DeKalb CSB was requesting through its Apex 3.0  
14 application?

15 A Yes.

16 Q So that's the amount of money that would have  
17 allowed DeKalb Community Service Board to expand the nine  
18 schools that it served, in total 11,000 students?

19 A Yes.

20 Q In that same paragraph, this letter identifies  
21 a population of 341 students the DeKalb Community Service  
22 Board would propose to serve with Tier III services of  
23 the 11,232 total students in the nine schools.

24 Do you see that text?

25 A Yes.



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1 Q And how did DeKalb Community Service Board  
2 arrive at that figure of 341 students out of 11,232?

3 A Yes. There we follow the -- the Apex tier  
4 model that's provided by DBHDD. And according to that  
5 tier model, 3 to 5 percent of the school's population  
6 should be served on Tier III. So we took the population  
7 of each of the schools with that on the higher end being  
8 that 5 percent, and then added that total number, and  
9 that's how we came up with 341.

10 Q And did DeKalb Community Service Board, either  
11 for the purposes of this letter or other purposes, also  
12 estimate the number of students who would have received  
13 Tier II services had its application for Apex 3.0  
14 services been granted?

15 A Yes, we did.

16 Q And what is that number; do you recall?

17 A I do not recall.

18 Q Was it more than 341?

19 A It was, yes, because Tier II is a -- a greater  
20 percentage than Tier III.

21 Q The letter ends with the request that DBHDD  
22 reconsider the recent intent to award decisions of the  
23 Apex 3.0 grant and allocate funding to the DeKalb  
24 Community Service Board. Was that request for  
25 reconsideration granted?

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1 A Yes, it was. We had a meeting to discuss our  
2 appeal.

3 Q Okay. Thank you. And who participated in that  
4 meeting for DBHDD?

5 A Danté McKay, Layla Fitzgerald, Danielle Jones,  
6 and some individuals from their finance department, but I  
7 cannot recall their names.

8 Q Who participated in that meeting on behalf of  
9 DeKalb Community Service Board?

10 A Myself, Fabio van der Merwe, and my direct  
11 supervisor Renee Dryfoos.

12 Q Were there representatives of the DeKalb County  
13 Schools in that meeting?

14 A No, they were not present.

15 Q And what was the result of that meeting  
16 regarding this request for reconsideration?

17 A We were not awarded the funding. It was  
18 suggested to meet with DeKalb Schools. Basically, in  
19 DeKalb Schools to meet to reiterate the importance of  
20 them increasing referrals at the current schools that we  
21 had.

22 Q To make sure I understand, was that  
23 recommendation that DeKalb County Schools increase the  
24 referrals identified as a problem with DeKalb Community  
25 Service Board's application? Did that contribute to the

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1 denial of funds in this instance?

2 A Yes. That was part of -- they -- part of it  
3 they felt like our current line of funding wasn't being  
4 maximized and that we could serve more students with our  
5 current line of funding, and so they wanted to bring the  
6 school district in to -- into the next meeting to help  
7 them understand how their level of referral can affect  
8 the funding.

9 Q Understood. And has there been a subsequent  
10 meeting regarding increasing the number of referrals by  
11 DeKalb County Schools since this request for  
12 reconsideration meeting?

13 A No, there hasn't.

14 Q And to be clear, the suggestion that DeKalb  
15 County Schools refer more individuals to Apex, that would  
16 only apply to the schools that are currently enrolled in  
17 Apex and not the nine additional schools that were  
18 identified in this application?

19 A That is correct.

20 MR. HOLKINS: Can we go off the record briefly.  
21 There seems to be a question about which exhibit we are  
22 on right now. I want to resolve that before I move  
23 forward.

24 THE VIDEOGRAPHER: Okay. Hearing no objection,  
25 we are going off the record now at 11:41 a.m.

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1 (A short recess ensued.)

2 THE VIDEOGRAPHER: We are back on the record at  
3 11:42 a.m.

4 Proceed.

5 Q BY MR. HOLKINS: Ms. Allen, give me one second,  
6 and I'm going to pull back up the document that I was  
7 just showing and then clear up a mistake that I made.

8 This is the November 20, 2020 letter from  
9 DeKalb Community Service Board to DBHDD that we were just  
10 discussing. Again, the Bates number is GA00130770, and  
11 we are publishing this as Exhibit 803. I'm going to set  
12 this aside.

13 Ms. Allen, I have a pair of documents I want to  
14 show you. The first is an e-mail that you sent. The  
15 second is an attachment to that e-mail. Give me one  
16 second. This will be 804.

17 (Plaintiff's Exhibit 804 was marked for  
18 identification.)

19 Q BY MR. HOLKINS: So I am introducing this as  
20 Exhibit 804. The Bates number is GA00472463. Again,  
21 this is a document produced by the State of Georgia to  
22 the United States in this litigation, and it appears to  
23 be an e-mail from you, Ms. Allen, to Danielle Jones dated  
24 August 12, 2019. There are a number of attachments to  
25 the e-mail, including the school-based mental health

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1 referral form.

2 Do you see that, Ms. Allen?

3 A Yes. Yes.

4 Q It's the third -- the third attachment. Do you  
5 see that?

6 A Yes.

7 Q So I now want to pull up the attachment, which  
8 will be 805.

9 (Plaintiff's Exhibit 805 was marked for  
10 identification.)

11 Q BY MR. HOLKINS: This is Exhibit 805. For the  
12 record, it's GA00472506 produced by the State of Georgia  
13 to the United States. This is the attachment to the  
14 e-mail that we just looked at, Ms. Allen.

15 Have you seen this one before?

16 A Yes.

17 Q Is this the behavioral health referral form  
18 that's currently in use for DB -- excuse me, DeKalb  
19 Community Service Board's Apex Program?

20 A Yes. It's become a fillable PDF, but the  
21 information is the same.

22 Q So the expectation is that the counselor, or  
23 whoever is providing the referral to Apex, would complete  
24 this form and submit it to the Apex therapist. Is that  
25 accurate?

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1 A That is correct.

2 Q And is there any additional information that's  
3 collected at the point of referral beyond what's called  
4 for on this form?

5 A No, there is not.

6 Q Ms. Allen, are you familiar with a recurring  
7 meeting or call titled "Apex therapist network call"?

8 A Yes, I am.

9 Q Okay. What is the Apex therapist network call?

10 A It's a meeting that provides the therapist with  
11 information, different topics. I send a link out when I  
12 give them to my therapists to attend, if they can, if  
13 it's in their schedule to attend.

14 Q Have you attended those meetings before?

15 A I have attended one meeting in the past just to  
16 get a sense of what it was like, but I have not since.

17 Q Who organizes that Apex therapists network  
18 call?

19 A I am not sure.

20 Q Are there -- is there a participation from  
21 DBHDD on that meeting?

22 A I believe there may have been in the past. I'm  
23 not sure if they attend every meeting. I have -- I have  
24 not attended in a few years.

25 Q Well, let's just pull up a document that I

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1 think will clear up a little bit of this. This will be  
2 806.

3 (Plaintiff's Exhibit 806 was marked for  
4 identification.)

5 Q BY MR. HOLKINS: I have just published Exhibit  
6 806, which is GA04588105. It's an e-mail dated  
7 September 27, 2021 from a -- an e-mail address assigned  
8 to Apex Technical Assistance Response. There are many,  
9 many recipients on the e-mail. I believe that you are  
10 one of them, Ms. Allen, and I believe it's October Apex  
11 therapists network call.

12 Is it fair to conclude from this e-mail that  
13 the Apex therapists network calls are -- are organized by  
14 the Georgia State University Center of Excellence?

15 A Yes, it is.

16 Q And is the purpose of this meeting to provide  
17 technical assistance to Apex therapists?

18 A Yes, it is.

19 Q And what specific guidance or assistance is  
20 provided by the Georgia State University Center of  
21 Excellence to Apex therapists during these Apex  
22 therapists network calls?

23 A It varies. The topics are different every  
24 time. It changes every month. For example, I'm looking  
25 at this one. This was about suicide prevention. So

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1 usually it's topics related -- relevant to providing  
2 school-based services for therapists.

3 Q To your knowledge, has there ever been an Apex  
4 therapists network call on the topic of serving youth who  
5 are enrolled in GNETS programs?

6 A Not that I am aware of. I -- I can't recall.

7 Q And I think you said that participation in  
8 these meetings is optional for your Apex staff. Is that  
9 accurate?

10 A Yes, if it's -- if they are able to accommodate  
11 it in their schedule, but they, you know, of course,  
12 prioritize seeing the children.

13 Q Beyond this Apex therapists network call, are  
14 there other opportunities for direct care staff in your  
15 Apex Program to receive technical assistance from the  
16 Georgia State University Center of Excellence?

17 A No, not that I've ever been made aware of.

18 Q I'm going to run through just a couple more  
19 documents quickly before we break for -- for lunch.

20 (Plaintiff's Exhibit 807 was marked for  
21 identification.)

22 Q BY MR. HOLKINS: Ms. Allen, I've just published  
23 Exhibit 807. This is GA03256694. It's an al- -- it's an  
24 e-mail from you dated March -- excuse me -- April 13,  
25 2021 to Layla Fitzgerald with the subject, "Budget



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1 Question."

2 I want to direct you to an earlier e-mail in  
3 this thread where you asked Ms. Fitzgerald whether it's  
4 possible to fund a monitoring tool built in for  
5 evaluation of progress for Apex clients.

6 Do you see that text?

7 A Yes.

8 Q And what were you proposing to do here?

9 A Yes. I was proposing to have our data  
10 engineering department essentially come up or build a  
11 monitoring -- moni -- monitoring school -- excuse me --  
12 for Apex clients, just to have our own internal  
13 additional data to -- and actually get away from using  
14 those spreadsheets and have it more formalized and  
15 easy -- more easily accessible to other individuals, not  
16 just me, in the agency.

17 Q Would this be kind of like a data board?

18 A I'm sorry, say that again.

19 Q So are you familiar with the term "data  
20 dashboard"?

21 A Yes. Yes.

22 Q Is that what you were hoping to build here?

23 A Yes.

24 Q And this would -- would this dashboard be  
25 showing or reflecting data beyond what DeKalb Community

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1 Service Board is already collecting -- or was already  
2 collecting at the time of this e-mail?

3 A Yes, potentially. I was exploring other data  
4 points that we would want to internally collect.

5 Q What specific data points were you exploring  
6 collecting beyond the ones that were already being  
7 collected?

8 A How many family sessions were done each month.  
9 Just a point of reference, one -- one place for all of  
10 the data for Apex to be, so anyone beyond me can have  
11 access to it, essentially.

12 And there were some other -- other data points  
13 that I still was considering that I hadn't finalized yet,  
14 that I am still considering currently.

15 Q And what was the result of this request?

16 A I believe she told me that other providers have  
17 done that and that is something that I could include in  
18 the budget.

19 Q And so was this for the FY 2022 application  
20 that you were considering this?

21 A Yes. This would have been for our FY '22  
22 budget.

23 Q For the budget for that year, okay.

24 A Yes.

25 Q And did you, in fact, include a line item for a

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1 monitoring tool in the FY 2022 proposed budget?

2 A Yes.

3 Q And was that budget approved?

4 A Yes, it was.

5 Q And so at present, does DeKalb Community  
6 Service Board have a monitoring tool as you can see  
7 embedded in this e-mail?

8 A Yes. We -- yes, we do, and it's still  
9 improvements being made. But yes, we did develop one.

10 Q And so that tool, once it's finalized, it will  
11 allow any Apex Program staff to access complete data on  
12 this student from a physical source. Is that accurate?

13 A It won't be per student; it will be per school.

14 Q Okay. So it would not be student-level data;  
15 it would only be school-level data?

16 A That's correct. So all the -- all of the  
17 students at that particular school, all of their data  
18 would be together.

19 Q Is there any discussion about meeting in  
20 student-level data reporting for this monitoring tool?

21 A Not at this -- not at this time.

22 Q Give me a second. I want to pull back up a  
23 document that we discussed earlier. I believe this was  
24 798, Exhibit 798, and you will recall this was the  
25 monthly progress report that you submitted for E.L.

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1 Miller Elementary from March of 2022.

2 Do you recall this document?

3 A Yes.

4 Q I want to scroll back to the list of Tier III  
5 services that we were discussing. So in this reporting,  
6 there is an indication that two children received  
7 behavioral health assessments during the reporting  
8 period, correct?

9 A Yes.

10 Q Does this reporting indicate how many units of  
11 that service were provided for the students who received  
12 it during the reporting period?

13 A Can you clarify "units"?

14 Q So is it your understanding that the DBHDD  
15 program manual for behavioral health services describes  
16 service unit values for each of the relevant services  
17 identified on this Tier III list?

18 A Yes, I'm aware.

19 Q Okay. And so that's -- that's the  
20 understanding I'm approaching this question with. And so  
21 my question to you is whether this reporting, the monthly  
22 progress reporting that you provide to the Center of  
23 Excellence and DBHDD, includes any indication of the  
24 units of service provided for the students receiving, for  
25 example, behavioral health assessment during this

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1 reporting period?

2 A No, it does not.

3 Q And this reporting, your monthly progress  
4 reporting to the Center of Excellence and DBHDD,  
5 likewise, does not indicate the length of service for  
6 children receiving, for example, behavioral health  
7 assessment?

8 A No, it does not.

9 Q And the monitoring tool that we just discussed  
10 that DeKalb Community Service Board is implementing  
11 currently, that also wouldn't reflect data on service  
12 units for Apex services provided by DeKalb Community  
13 Service Board?

14 A The -- just to clarify, are you referring to  
15 the -- the one that was created?

16 Q Yeah, to -- you talked about a monitoring tool  
17 specific to the Apex Program the DeKalb Community Service  
18 Board is implementing currently, and my question is  
19 whether that tool would be used to track units of service  
20 at the student level?

21 A Not at the student level. At the program  
22 level, it does have that information.

23 Q So it would show for -- by school what the  
24 average number of service units was per -- per student?

25 A No. It's actually for the entire Apex Program,

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1 so all of the schools together on a monthly basis has the  
2 amount of units billed for the entire program.

3 Q Okay. It wouldn't be specific to, for  
4 instance, behavioral health assessment?

5 A No, it would not.

6 MR. HOLKINS: Okay. I think this is a good  
7 time for us to take a break. I would suggest -- first  
8 off, we can go off the record.

9 THE VIDEOGRAPHER: Okay. Hearing no objection,  
10 we will go off the record now at 12:01 p.m.

11 (The deposition was at recess from 12:01 p.m.  
12 to 12:49 p.m.)

13 THE VIDEOGRAPHER: We are back on the record at  
14 12:49 p.m.

15 Please proceed.

16 Q BY MR. HOLKINS: Welcome back, Ms. Allen. I  
17 just wanted to ask you a couple of follow-up questions on  
18 things we talked about in the morning before we move to  
19 some new topics.

20 The first concerns the denial of DeKalb  
21 Community Service Board's application for Apex 3.0 funds,  
22 and one of the reasons I believe you stated was offered  
23 for that denial is that there were insufficient referrals  
24 being made by schools currently being served relative to  
25 the Apex Program. Is that accurate?

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1 A Specifically they stated that we had to  
2 maximize our current funding.

3 Q Understood. And the way to do that is by  
4 increasing referrals from those schools to the Apex  
5 Program and providing more services to those students  
6 once enrolled. Is that accurate?

7 A Yes, that's correct.

8 Q Okay. What -- have you sought to identify any  
9 obstacles? Or let me put this differently. How -- how  
10 would you explain what appears to be DBHDD's assessment  
11 that there were not enough students being referred to  
12 Apex by the schools currently participating for DeKalb  
13 Community Service Board?

14 A I'm sorry, can you repeat that question again,  
15 just to make sure I understand?

16 Q No, not a problem. Let me try again.

17 Let me just first ask you, do you think that  
18 there are -- that schools are not referring enough  
19 students who need Apex services to Apex through DeKalb  
20 Community Service Board's existing Apex Program?

21 A Well, specifically at that time, that was  
22 during COVID, and the schools were not open at the time,  
23 and so that was a major contributing factor to low  
24 referrals at that particular point in time.

25 They have since significantly increased their

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1 referrals. We have some schools that still have -- seem  
2 to have some challenges, but overall there has been  
3 significant improvement. Always room for improvement,  
4 but, I mean, they have improved tremendously since then.

5 Q Thank you.

6 And for the schools that are still experiencing  
7 some challenges, what are those challenges?

8 A For some reason they just have a -- I guess  
9 some difficulty identifying kids that are in need of  
10 services, and I think that's more of an internal issue at  
11 those particular schools. It's something that we are  
12 still continuing to monitor, and also the district has  
13 intervened and provided some assistance in how to  
14 identify or potentially identify some additional  
15 students.

16 Q Does DeKalb Community Service Board take any  
17 kind of steps to help schools with identifying students  
18 who may need Apex services?

19 A Yes. So some things that the therapists can do  
20 are trying to attend like events that they know their  
21 parents will be at, just so the parent community knows  
22 that the services are available in the school. We have  
23 asked the school to send our program fliers out through  
24 the -- you know, the parent e-mail blast. And then also  
25 connecting with specific like parent liaisons that have



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1 more like informal contact with the parents as well.

2 Q Do you know whether for the schools that are  
3 participating in Apex through the DeKalb Community  
4 Service Board, the school staff as a matter of course  
5 will identify to DeKalb Community Service Board as a --  
6 as really a referral for Apex students who are being  
7 considered for GNETS placement through an IEP process?

8 A Okay. So just to clarify, you're asking if  
9 there's an identification process for kids who are being  
10 referred to GNETS?

11 Q Right. What I'm asking about is, as a matter  
12 of course, students that are being considered for GNETS  
13 placement through the IEP process are referred to Apex to  
14 see whether those services would be sufficient to meet  
15 their needs.

16 A Okay. Are you asking if that has happened?

17 Q I'm asking whether that happens currently as a  
18 matter of course?

19 A Not to my knowledge, and that hasn't happened  
20 in the past. We haven't had any students on that  
21 trajectory.

22 Q Right. To be clear, I'm not just talking about  
23 students who are currently enrolled in Apex but any  
24 students enrolled in school that participates in Apex who  
25 may be -- who is being considered for placement in GNETS

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1 and whether the schools ever identified those students to  
2 the Apex Program.

3 A To my knowledge, none of my staff have reported  
4 any students at the school that they have been referred  
5 to that were being -- that they were referred to that  
6 were being referred to GNETS.

7 Q Okay. Thank you.

8 You described a monitoring tool that DeKalb  
9 Community Service Board is in the process of  
10 implementing, and as I understand it, this data dashboard  
11 of sorts would allow the community service board to  
12 collect and show some new data points in addition to data  
13 that the community service board has long been  
14 collecting. And I think you identified one of those data  
15 points as family services. Is that correct?

16 A Yes, so how many family therapy services have  
17 been provided in the month -- or a particular data point,  
18 rather.

19 Q Okay. Are there other new data points that the  
20 community service board is seeking to collect and track  
21 through this monitoring tool?

22 A I would -- one thing I wanted to add was  
23 data -- the number of data collection for the strength  
24 and difficulty questionnaire, which currently is just  
25 information in their individual charts but not

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1 information currently that we could pull as far as  
2 numbers. So I would like to aggregate that data into  
3 that dashboard.

4 Q Anything else that you would like to include  
5 through this monitoring tool?

6 A The data that's already being reported  
7 currently.

8 Q Okay. So I want to now show you a document.  
9 Give me a second and I will pull it up.

10 Actually, hold on. Before we jump into the  
11 document, Ms. Allen, do your Apex's therapists receive  
12 any training currently on PBIS?

13 A Well, we've had an in service on PBIS from  
14 DeKalb County School District.

15 Q What does "in service" mean?

16 A They're the districts that PBIS staff attended  
17 our staff meeting and presented on what PBIS services  
18 were and how Apex could be incorporated into the PBIS  
19 model.

20 Q What does "PBIS" stand for?

21 A Positive behavior intervention supports.

22 Q When was this in-service training provided to  
23 your Apex staff?

24 A I cannot recall the -- the date, but it was in  
25 2021.

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1 Q And was there another similar training in 2022?

2 A No, there has not been. I'm sorry, no, it was  
3 in 2022. I'm sorry.

4 Q No worries.

5 A I forgot we were in 2023 now. It was in 2022,  
6 not 2021.

7 Q I understand.

8 So was that the first PBIS training offered to  
9 your Apex staff that you can recall?

10 A Yes, it was.

11 Q And to be clear, your Apex team has not  
12 received any training on PBIS from DBHDD or the Georgia  
13 State Center of Excellence. Is that accurate?

14 A No specific training, just an overview of -- of  
15 the models.

16 Q You have received an overview of the PBIS model  
17 from Center of Excellence or from DBHDD?

18 A It was in a meeting moderated by the Center of  
19 Excellence, but DBHDD was on that call.

20 Q Okay. When was that?

21 A I -- I do not remember.

22 Q Was it in 2022 as well?

23 A I believe it was, yes.

24 Q How would you describe the model of PBIS? What  
25 does it seek to achieve?

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1           A   Essentially to reinforce positive behaviors  
2   within the student population. So each school has  
3   different acronyms that they use that the students and --  
4   and also the teachers. It's not just for the students.  
5   PBIS is also for the teachers as well. And it's just to  
6   encourage, essentially, positive behavior, so it looks --  
7   it's different things.

8           So every school has -- like one school has an  
9   acronym of SOAR, because I believe their mascot is the  
10  eagle. And I don't know what the acronym means, but all  
11  of the students and the staff know exactly what it means.  
12  So they strive to carry out the acronyms of their  
13  particular PBIS model.

14          Q   Okay. What is the role of your Apex staff in  
15  implementing PBIS in their schools?

16          A   So it's going to vary. You know, they -- they  
17  have a lot of creativity in how they can implement it.  
18  It could be different things. You know, if positive  
19  behavior is in force in a session, they can advocate for  
20  that student to get points towards, you know, their PBIS  
21  rewards. It could be different activities, so the  
22  therapist could come up with different activities with  
23  them as a reward for the students. And this is just not  
24  for the students we serve in the Apex Program; this would  
25  be, you know, for students at the particular school.

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1 Q Uh-huh. Does DeKalb Community Service Board  
2 collect or analyze any data with respect to  
3 implementation of PBIS in the schools where it's  
4 implementing Apex?

5 A No. We don't collect any data specifically to  
6 PBIS.

7 Q And does DeKalb Community Service Board have  
8 access to data the school is maybe collecting with  
9 respect to implementation of PBIS?

10 A If we request it, it's a possibility, but I  
11 cannot say for sure.

12 Q Has DeKalb Community Service Board, since  
13 you've been director of child and adolescent services,  
14 ever requested PBIS data from a school?

15 A No, we have not.

16 Q Have you been instructed or advised to collect  
17 that data by DBHDD or the Center of Excellence?

18 A No, we have not.

19 Q Give me one second. I just published what I  
20 would like to mark as Exhibit 808. This is a document  
21 produced by DeKalb Community Service Board in response to  
22 the United States' subpoena for documents. It's roughly  
23 43 pages. It starts with some aggregate data, and then  
24 there are some forms.

25 (Plaintiff's Exhibit 808 was marked for

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1 identification.)

2 Q BY MR. HOLKINS: And I'm going to give you a  
3 second or, you know, a minute or two, Ms. Allen, to take  
4 a quick look at this document. Let me first ask you  
5 whether you had any role in assembling this document for  
6 the community service board's response?

7 A Yes. Some of the documents in this, yes.

8 Q You have control. If you want to scroll  
9 through, there is no need to read this line by line, but  
10 if you want to familiarize yourself with this document,  
11 please scroll through.

12 A Just this document or all 43 pages?

13 Q So I'm gonna be -- I'm not going to ask you  
14 about every single document. I do want to give you an  
15 opportunity to see what's in the package.

16 A Okay.

17 Q If you want to scroll through the full package,  
18 please go for it.

19 A Okay. Okay.

20 Q All right. So I'm going to take control back.  
21 Let's scroll to the top.

22 As I understand it, and correct me if I am  
23 misstating anything, this is aggregate data showing the  
24 number of each assessment -- how many of each of the  
25 assessments identified were provided to children and

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1 adolescents for fiscal years 2020, 2021 and 2022. Is  
2 that right?

3 A Yes.

4 Q And is this an accurate list of all the  
5 assessments -- accurate and complete list of the  
6 assessments currently in use at DeKalb Community Service  
7 Board for children and adolescents?

8 A Yes, it is.

9 Q Did you help with assembling this data for the  
10 community service board's response to the United States'  
11 subpoena?

12 A Not this specific document, no.

13 Q Okay.

14 A This particular aggregate data, no.

15 Q "SDQ" here stands for Strength and Difficulties  
16 Questionnaire, correct?

17 A Yes.

18 Q And could you describe the distinction between  
19 the initial and follow-up SDQ?

20 A Yes. So for the SDQ youth, which is a  
21 self-report from the client, and they have to be at least  
22 11 years old to self-report, the initial is done at  
23 intake, during the intake assessment, which is the  
24 baseline, and the follow-up is the one that's done every  
25 six months after.



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1 Q Is SDQ, The Strength and Difficulties  
2 Questionnaire, is that based on an evidence-based  
3 intervention?

4 A It's not based on an evidence-based  
5 intervention. It's an evidence-based outcome measure for  
6 children and adolescents.

7 Q Okay. And I think if we scroll down to the  
8 bottom here, you will see examples of the SDQ  
9 questionnaires. This appears to be a follow-up Strengths  
10 and Difficulties Questionnaire. Is that accurate?

11 A Yes, that's correct.

12 Q Is this for the parent or for the child?

13 A That one is for the parent.

14 Q For the parent.

15 And so there are SDQs which are directed both  
16 to the child and to the parent, and there are both  
17 initial and follow-up SDQs for each. Is that right?

18 A Yes, but they're only for the child if they are  
19 at least 11 years old.

20 Q 11 or older?

21 A Uh-huh.

22 Q Understood.

23 How does DeKalb Community Service Board use the  
24 data that it collects from the Strengths and Difficulties  
25 Questionnaire?

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1           A    So right now individually at the -- when it's  
2 entered into our medical records system, it has a score.  
3 And so what we do is, at the follow-up, we compare the  
4 scores, or just from even the last SDQ that was done, and  
5 we like to see the scores go down, which indicates a  
6 decrease in difficulties in certain areas.

7                   So when it's scored, it breaks it down into  
8 different emotional sub scales like hyperactivity,  
9 conduct issues, emotional challenges, prosocial behavior,  
10 and so on.

11           Q    Thank you.

12                   Is this a questionnaire that you would expect  
13 to be completing for all students enrolled in Apex?

14           A    Yes, it is.

15           Q    If they are 11 and older?

16           A    For the youth one version, yes.

17           Q    Right. And so for youth under 11, it would  
18 just be the parents that would submit the questionnaire?

19           A    That is correct.

20           Q    So there are other assessments that are  
21 identified -- I should say template forms that are  
22 provided in this package that appear to be specific to  
23 Apex.

24                   This is one here, Violence Risk Assessment, the  
25 client's name, "Test Apex." Is this an Apex specific

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1 assessment or it's something that DeKalb Community  
2 Service Board uses across its child and adolescent  
3 service programs?

4 A That's actually not just for children and  
5 adolescents. That's also for adults. It's used  
6 agency-wide for all clients.

7 Q Okay. I'm going to just scroll through some of  
8 the other ones and make sure it's -- is your answer the  
9 same for the substance abuse assessment on page 37?

10 A That is correct.

11 Q Okay. And this risk assessment?

12 A The same, yes, for adults as well.

13 Q Okay. I now want to direct you to the  
14 assessment form that begins on page 5 of the document.  
15 This looks like the CANS-Trauma Comprehensive Assessment;  
16 is that right?

17 A That is correct.

18 Q How does DeKalb Community Service Board use  
19 this assessment for children who are enrolled in this  
20 Apex Program?

21 A I'm sorry, can you repeat that? You said how?

22 Q Let me just first ask, does the DeKalb  
23 Community Service Board use this assessment for children  
24 enrolled in the Apex Program?

25 A Yes.

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1 Q For what purpose?

2 A Well, it -- it tracks or it gives you a sense  
3 of what traumatic experiences they've had and their  
4 reaction to specific trauma over time, and then also it  
5 asks about their family members' mental health, history  
6 with substance use, anything that -- that affects their  
7 quality of life. So it just had different domains and  
8 areas that we look at that essentially can affect the  
9 child's development and progress.

10 Q How often does DeKalb Community Service Board  
11 complete this assessment for children enrolled in Apex?

12 A Every three months.

13 Q So it would start upon entry in Apex, and then  
14 every three months after that point there would be a  
15 reassessment. Is that accurate?

16 A That is correct.

17 Q Does the assessment generate an overall score?

18 A It does not. Each -- you look at each  
19 category.

20 Q For each category, okay.

21 A Uh-huh.

22 Q So in other words, there would be a score  
23 generated by child risk behaviors. Is that right?

24 A No. So what I mean by that -- I'm sorry --  
25 each item you would see the scores, for example, going

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1 from three to two to one at each specimen. That's how  
2 you would know that their CAN scores are changing, or  
3 improving, rather.

4 Q And that's reported for each one of these, it  
5 looks like there is 110 items, correct?

6 A Yes, that's correct.

7 Q So you are going to be looking at trends in  
8 these scores every three months for 110 items?

9 A Yes.

10 Q Are there particular items or categories that  
11 DeKalb Community Service Board is focused on in assessing  
12 progress for children enrolled in Apex?

13 A Not -- not specifically, because any -- any  
14 change in scores indicates progress. And some of  
15 these -- I'm sorry, can you go -- scroll down?

16 Q Uh-huh. Some of them are age specific?

17 A Yes, some of them are age specific, and I  
18 thought I saw one for labor and delivery, and I was  
19 trying to point out that one, but I don't know where it  
20 went.

21 Q Delivery?

22 A Oh, okay. Yeah, there. Some of these items we  
23 don't have on there, so it's not 100 and -- all 100 and  
24 however many there are. Some of these are not included  
25 on our CANS assessment.

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1 Q Okay. So when you are trying to get an overall  
2 snapshot of the child's progress, is there a measure that  
3 you are using across these, you know, 110 metrics to  
4 track overall progress?

5 A So we're looking, especially as it relates to  
6 trauma, we're just -- we're looking at their response to  
7 trauma, traumatic stress. So we're looking for some of  
8 those symptoms to decrease over -- over time. So they're  
9 essentially some of the responses, like hypervigilance,  
10 numbing, avoidance, we are looking at some of those. And  
11 then, of course, if they have a history of self-harming  
12 behaviors or suicidal ideation, we are looking for that  
13 risk level to decrease in those areas, too.

14 Q So on some level, and correct me if I'm  
15 mistaken, the priorities are going to be child specific;  
16 if there is a clear indication that a child is struggling  
17 with, you know, certain metrics, then the focus will be  
18 on improving performance in those specific metrics. Is  
19 that right?

20 A That is correct. And there's also a measure  
21 that -- that rates the caregiver as well. So we look at  
22 that as a focus, to see if there is things going on with  
23 the caregiver's needs that may be affecting the child's  
24 progress as well.

25 Q Does DeKalb Community Service Board report

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1 student-level CANS data to the Center of Excellence or  
2 DBHDD?

3 A Yeah, that's part of the monthly progress  
4 report. It's not student specific or school specific.  
5 We report on how many baseline CANS we've done, how many  
6 students were eligible for reassessment, how many  
7 reassessments were done, and how many had improved  
8 scores.

9 Q Okay. Improved scores overall?

10 A Yes.

11 Q Okay. But there is no student-level  
12 reporting -- to make sure I understand, there is no  
13 student-level reporting to the Center of Excellence or  
14 DBHDD for the CANS measures?

15 A No.

16 Q Do you know whether this CANS assessment tool  
17 is used to assess progress for students who are enrolled  
18 in GNETS facilities?

19 A I do not.

20 Q Do you know whether the Strengths and  
21 Difficulties Questionnaire that we looked at previously  
22 is used to assess progress for students enrolled in GNETS  
23 programs?

24 A I do not.

25 Q Okay. Let's set this aside.

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1 I want to pull up another document, 809.

2 (Plaintiff's Exhibit 809 was marked for  
3 identification.)

4 Q BY MR. HOLKINS: Ms. Allen, I just published  
5 what we are marking as Exhibit 809. This is another  
6 document produced by DeKalb Community Service Board to  
7 the United States in response to our documents subpoena.  
8 The beginning Bates stamp is DEKALB006115.

9 The first document is -- it appears to be a  
10 overview of DeKalb CSB's Apex Program. I will give you a  
11 moment to review this specific document. And to be  
12 clear, I'm only asking you to take a look at pages 1  
13 through 5 at this time.

14 I will give you control. I am going to take  
15 control of the document back. Give me one second. I  
16 will scroll to the top. Back on page 1.

17 Ms. Allen, have you seen this document before?

18 A Yes.

19 Q Did you have any hand in drafting it?

20 A There was one already in place. I just made a  
21 few adjustments, but it was pretty much already in place  
22 when I became the director.

23 Q So I note that this was revised as of  
24 August 2019. Is it current as of this date?

25 A Yes, it is.



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1 Q Is this something that DeKalb Community Service  
2 Board, this document, is this provided to parents,  
3 schools? How do you use this document?

4 A It is provided to the parents at the intake.

5 Q At intake?

6 A Yes.

7 Q So I want to talk a bit about community support  
8 as it's described here, and I know we previously  
9 discussed community support in the context of the monthly  
10 progress report. There was a reference on this page,  
11 page 2 of Exhibit 809, to linkage to resources in the  
12 community. What does that mean?

13 A Yeah, so just, for example, a family needed a  
14 resource for food pantry or clothing or after-school  
15 programming; any resource that the child or the family  
16 may need, that's what -- that's what "linkage to  
17 resources" refers to.

18 Q And is it the responsibility of Apex therapists  
19 to offer this community support?

20 A No. So if they see that a family has needs  
21 that are outside of the school building, they will refer  
22 to our community support program specifically.

23 Q Understood. So it would be the case managers  
24 in the community support program that would principally  
25 be responsible for providing services outside of the

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1 school setting?

2 A That is correct.

3 Q Do you track data -- does DeKalb Community  
4 Service Board track data on the number of Apex  
5 participating students that are referred for community  
6 support?

7 A We currently do not.

8 Q Is that something that DBHDD or the Center of  
9 Excellence has ever required DeKalb Community Service  
10 Board to collect or report data on?

11 A We do report in on the monthly report how  
12 many -- how many services or community support were  
13 provided in that month, yes.

14 Q And so that would be capturing service  
15 provision by case managers, not Apex therapists, outside  
16 of the school setting?

17 A It would be both.

18 Q Both?

19 A Yes.

20 Q Just to make sure I understand, Apex therapists  
21 can also provide community support; it would just be  
22 within the school setting?

23 A Yes, and more so focused on the skill-building  
24 side of community support, not necessarily the linkage,  
25 the linkage part.

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1 Q Okay. And so if there is a need for linkage to  
2 community resources outside the school setting, that  
3 would typically trigger a referral to the community  
4 support team?

5 A Yes.

6 Q And it's just the referrals that the community  
7 service board is not tracking data on currently?

8 A No.

9 Q Right?

10 A No, it's not broken down by specifically to  
11 Apex, because that program serves both outpatient and  
12 school-based.

13 Q So one service that you didn't talk about  
14 earlier is peer support. If you can describe what peer  
15 support is?

16 A Yes. So it's a program that is based on lived  
17 experience, so a parent -- a certified parent -- peer --  
18 certified peer specialist parent is a parent that has a  
19 child with a mental health diagnosis, and they've gone  
20 through training to help parents navigate kind of the  
21 mental health system, connect them to natural supports,  
22 link them to parenting resources specifically for parents  
23 with children with emotional behavior disorders in the  
24 community.

25 So it's -- it's not a -- you know, a therapist.

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1 It's not a case manager. This is a peer. This is  
2 someone who's essentially walked in their shoes.

3 Q And peer support services are offered both  
4 directly to youth participating in Apex and to their  
5 parents. Is that accurate?

6 A Yes. So there's a -- a youth version of the  
7 parent, and it's a young person with live to experience  
8 with a mental health diagnosis. So the youth specialist,  
9 we currently don't have one on -- on staff right now, but  
10 in the past, we started that service at age 12 just  
11 because, you know, younger than that, that's not really a  
12 peer.

13 So it's a young -- it's essentially a young  
14 person, so I believe they have to be at least 18 to be  
15 certified as a youth, up until age 30, is when they are  
16 no longer a youth, a CPS-Y.

17 Q So I want to ask you the same question that I  
18 posed regarding all the Tier III services we discussed  
19 previously, except this is just about peer support. You  
20 think that peer support services can help children with  
21 behavioral health conditions cope with their behavioral  
22 health needs and remain in their home schools and  
23 communities?

24 A Yes.

25 Q So stepping away from this document -- I'm

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1 going to keep it up for now -- but I want to go back to  
2 something we were talking about a little bit earlier,  
3 which was PBIS. And I believe you testified that there  
4 was a role -- that your Apex therapists can play a role  
5 in implementing PBIS within their schools, correct?

6 A Yes. With supporting the program, yes.

7 Q In supporting the program.

8 Is that something that DeKalb Community Service  
9 Board can bill third-party payers for, or would that be  
10 reimbursed through the DB -- the DBHDD grant?

11 A That would be through -- mostly through the  
12 grant.

13 Q Okay. And are there any actual Medicaid or  
14 other third-party billable services that the community  
15 service board could -- could use to get reimbursement for  
16 implementation of PBIS?

17 A Yes, it's -- it's possible. It's possible, but  
18 mainly PBIS services are what we call universal supports,  
19 which is actually Tier I, and those are generally  
20 nonbillable supports.

21 Q And so what would be examples of billable  
22 supports that would be in furtherance of the PBIS  
23 implementation?

24 A Possibly maybe a group, but they all would have  
25 to be clients to be able to do that. We ethically cannot

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1 bill for some and not for others.

2 Q So I want to scroll down to the second piece of  
3 this package, which is Exhibit 809. This is the  
4 Behavioral Health Clinical Documentation Guide for DeKalb  
5 Community Service Board. Have you seen this document or  
6 some version of it, Ms. Allen?

7 A Yes.

8 Q So it's a fairly lengthy document, close to 80  
9 pages. I'm not going to ask that you review it page by  
10 page, but I do want to confirm that this is the current  
11 version of the Behavioral Clinical Documentation Guide in  
12 use at the DeKalb Community Service Board?

13 And I will give you control of the document if  
14 you need a second to confirm.

15 A Yes, this is the current document.

16 Q Thank you. I am going to take control of the  
17 document back.

18 On page 7 there's a part titled "Evidence-based  
19 treatment." Do you see where I am?

20 A Yes.

21 Q And this appears to be a list of all the  
22 evidence-based treatments that are available through  
23 DeKalb Community Service Board; is that correct?

24 A That is correct.

25 Q That's -- this is inclusive of both adults and

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1 child and adolescents?

2 A That is correct.

3 Q Are there any evidence-based services or  
4 practices specifically relating to children and  
5 adolescents that DeKalb Community Service Board utilizes  
6 that are not listed on this page?

7 A No.

8 Q Are you aware of any additional evidence-based  
9 services or practices that the DeKalb Community Service  
10 Board is hoping or looking to implement specific to  
11 child -- to children and adolescents beyond the ones that  
12 are on this list?

13 A None that are specific to children and  
14 adolescents at this time, no.

15 Q Okay. If you had a child that was exhibiting  
16 aggressive behavior in the classroom, which  
17 evidence-based treatments available to DeKalb Community  
18 Service Board would you seek to utilize to address that  
19 behavior?

20 A Well, are you asking after an assessment is  
21 done or just in general?

22 Q I'm thinking in general. Obviously, it's gonna  
23 vary from child to child, but in general, what  
24 evidence-based services or practices would you expect to  
25 be helpful in addressing that kind of behavior?

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1           A    So depending on the age of a child, if it was a  
2   young child, several of these. You know, in --  
3   generally, in practice, therapists have a toolbox, and we  
4   use different interventions from different modalities,  
5   because essentially sometimes you can't just use one  
6   modality for a client and expect behavior change. You  
7   have to implement different things.

8                   And so for a younger child, family systems,  
9   play therapy, trauma-focused CBT, would be the main ones  
10   I would use for a younger child.

11           Q    Can you describe what family systems therapy  
12   is?

13           A    So essentially we are looking at how the family  
14   functions. So we are also looking at the -- the  
15   emotional function of the parents, specifically when  
16   they're experiencing some of these emotions or behaviors  
17   for their -- from their child, how are they reacting. We  
18   are looking at their overall emotional stability, how  
19   that affects their parenting communication styles.

20                   Just overall their relationship between the  
21   parent and the child -- or the caregiver, rather, and the  
22   child, and anyone else in the home that plays a part in  
23   the child's emotional function -- functioning. So that  
24   could include siblings in the home as well.

25           Q    And could family systems, as a matter of



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1 practice, is that a component of a service that the CSB  
2 can receive reimbursement for Medicaid or other  
3 third-party payers?

4 A Yes.

5 Q Which specific billable service would you use?

6 A Family therapy.

7 Q Could you briefly describe what play therapy  
8 is?

9 A Yeah, so it's a -- also an evidence-based  
10 modality where essentially the child plays or we observe  
11 them playing, and it actually -- depending on the type of  
12 play -- so there are different types of play. There is  
13 directive play. There is mastery play. And so based on  
14 how a child plays, it tells us what emotions they are  
15 trying to process, and so the therapist is there just  
16 kind of pointing out certain things.

17 So we don't direct a child or tell them how to  
18 play; unless it has something to do with safety in the  
19 particular environment, then we can kind of give them  
20 directives. But other than that, we are just pointing  
21 out, noticing how they are playing with certain items,  
22 and we may sometimes ask -- ask them to describe what are  
23 the dolls doing here and things like that.

24 Q Uh-huh. In play therapy, can the  
25 evidence-based service you just described be provided

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1 through a billable service like individual therapy?

2 A Yes.

3 Q And can that service be provided in school  
4 settings?

5 A Yes.

6 Q Is that true also for family systems therapy,  
7 or would that be in a home setting?

8 A That would be telehealth or in a school.

9 Q Telehealth or a school?

10 A Yes. Telehealth or school, yes.

11 Q Thank you.

12 Can you describe what trauma-focused CBT or  
13 cognitive behavioral therapy is?

14 A Yeah. So CBT by itself is a modality that  
15 focuses on thoughts or cognitions and how those play a  
16 role into behavior. So, you know, identifying distorted  
17 thinking that contributes to maladaptive behaviors. And  
18 then trauma-focused is understanding how their adverse  
19 childhood experiences play a role into their -- the  
20 thoughts and cognitions which then leads to maladaptive  
21 behavior. So you are not just only focused on changing  
22 their thoughts, but then also helping process how their  
23 trauma contributed to those distorted thoughts.

24 Q And can trauma-focused cognitive behavioral  
25 therapy be incorporated as an element of the Medicaid

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1 reimbursable service like individual therapy?

2 A Yes.

3 Q Is that a service that can be provided in  
4 schools?

5 A Yes.

6 Q And for the services that we just discussed,  
7 play therapy, family systems therapy, trauma focused CBT,  
8 in your view, are these services effective in helping to  
9 meet children's behavioral health needs and maintain them  
10 in their home schools and communities?

11 A Yes, it is.

12 Q Ms. Allen, I'm going to ask you a few questions  
13 now about your preparation for the deposition. I want to  
14 be very clear that in asking these questions, I am not  
15 asking you to disclose the substance of any  
16 communications that you've had with your attorney in  
17 preparing for today's deposition.

18 Do you understand?

19 A Yes.

20 Q So with that understanding, what did you do to  
21 prepare for today's deposition?

22 A I met with my attorney.

23 Q And that's Mr. Andrew Kim; is that correct?

24 A Yes.

25 Q Did you meet with him once or more than once?

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1 A Once.

2 Q For about how long?

3 A I don't recall.

4 Q Did you review any documents in preparation for  
5 this deposition?

6 A Yes.

7 Q Which documents did you review?

8 A The one that you just presented.

9 Q The clinical documentation guide?

10 A Yes.

11 Q Anything else?

12 A No.

13 Q Did you talk with any State agency officials in  
14 preparation for this deposition?

15 A No, I did not.

16 Q Did you communicate with counsel for the State  
17 of Georgia in preparing for today's deposition?

18 A No, I did not.

19 MR. HOLKINS: So I want to take just a quick  
20 break. Can we go off the record.

21 THE VIDEOGRAPHER: Okay. Hearing no objection,  
22 we are off the record at 1:41 p.m.

23 (The deposition was at recess from 1:41 p.m. to  
24 1:48 p.m.)

25 THE VIDEOGRAPHER: We are back on the record at

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1 1:48 p.m.

2 Please proceed.

3 Q BY MR. HOLKINS: Ms. Allen, I just have a few  
4 more questions for you before we wrap up.

5 I want to pull back up Exhibit 809. Give me  
6 one second.

7 So this was the list of evidence-based  
8 treatments that DeKalb Community Service Board, that we  
9 were discussing previously on page 7 of Exhibit 809. I  
10 want to ask you, we discussed a couple of these DBTs in  
11 particular, namely, play therapy, family systems therapy,  
12 trauma-focused CBT, correct?

13 A (No oral response.)

14 Q So my question to you is whether -- I was  
15 asking specifically about a child that's exhibiting  
16 aggression in the classroom. And my question to you,  
17 Ms. Allen, is whether in -- in your view, these kinds of  
18 evidence-based treatments, including the ones you  
19 identified specifically, are affecting -- effective in  
20 helping children who exhibit those kinds of symptoms,  
21 aggression in the classroom, to remain in their home  
22 schools and communities?

23 A Yes, they do.

24 Q Let's set this one aside.

25 I now want to pull up another document that we

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1 have already looked at. Give me one second.

2 Ms. Allen, this is Exhibit 808, which we  
3 discussed previously, showing the aggregate data with  
4 respect to assessments, and then templates for the  
5 assessment forms that DeKalb Community Service Board  
6 uses.

7 I want to ask you a -- a general question about  
8 the assessment tools that are used here -- that are  
9 listed in this document. Is it accurate that these  
10 assessments are directed to parents and not teachers?

11 A Are you asking about this specific one that  
12 we're looking at?

13 Q I am actually asking about all of the  
14 assessments that are in this packet, and if you need --

15 A Okay.

16 Q -- to take control of the document, you are  
17 most welcome to.

18 A Okay.

19 Q And the question I posed, for all of the  
20 assessments in this packet, is whether any of them are  
21 directed to teachers?

22 A No, they are not.

23 Q And this is the complete list of assessments  
24 currently used by the DeKalb Community Service Board for  
25 children and adolescents, correct?

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1           A     Yes.

2                   MR. HOLKINS:   Okay.   With that, I think that  
3   United States is done with its questioning.

4                   Andrew, do you have any questions you would  
5   like to ask?

6                   MR. KIM:    No.

7                   MR. HOLKINS:   We can go off the record.

8                   Thank you very much for your time, Ms. Allen.

9                   THE VIDEOGRAPHER:   Okay.   This will conclude  
10   the deposition as of 1:51 p.m.

11                   MS. JOHNSON:   We only need the transcript.   We  
12   don't need a copy of the video.

13                   (The deposition concluded at 1:51 p.m.)  
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CERTIFICATE OF REPORTER

STATE OF GEORGIA       )  
                                  )  
COUNTY OF DEKALB     )

I, Marcella Daughtry, a Certified Reporter in the State of Georgia and State of California, do hereby certify that the foregoing deposition was taken before me in the County of DeKalb, State of Georgia; that an oath or affirmation was duly administered to the witness, JANEL ALLEN; that the questions propounded to the witness and the answers of the witness thereto were taken down by me in shorthand and thereafter reduced to typewriting; that the transcript is a full, true and accurate record of the proceeding, all done to the best of my skill and ability;

The witness herein, JANEL ALLEN, has requested signature.

I FURTHER CERTIFY that I am in no way related to any of the parties nor am I in any way interested in the outcome hereof.

IN WITNESS WHEREOF, I have set my hand in my office in the County of DeKalb, State of Georgia, this 20th day of January, 2023.



Marcella Daughtry, RPR, RMR  
GA License No. 6595-1471-3597-5424  
California CSR No. 14315



JANEL ALLEN  
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1 United States of America v. State of Georgia

2 Our Assignment No. J9066992

3 DECLARATION UNDER PENALTY OF PERJURY

4  
5 I declare under penalty of perjury that I  
6 have read the entire transcript of my deposition taken in  
7 the above-captioned matter or the same has been read to  
8 me, and the same is true and accurate, save and except  
9 for changes and/or corrections, if any, as indicated by  
10 me on the DEPOSITION ERRATA SHEET hereof, with the  
11 understanding that I offer these changes as if still  
12 under oath.

13  
14 Signed on the \_\_\_\_\_ day  
15 of \_\_\_\_\_ 2023.

16  
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20 JANEL ALLEN  
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JANEL ALLEN  
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JANEL ALLEN

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JANEL ALLEN